

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) 3:17-CR-00169-B
)
SAID AZZAM MOHAMAD RAHIM,)
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - VOLUME 2
BEFORE THE HONORABLE JANE J. BOYLE
UNITED STATES DISTRICT JUDGE
MAY 1, 2019

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SHAWNIE ARCHULETA, CSR/CRR
 FEDERAL COURT REPORTER - 214.753.2747

1 (In open court at 8:33 a.m.)

2 THE COURT: I don't know where the
3 government is. Could you email them? I think they
4 are on their way. I hope they are on their way. So
5 we're going to sit and wait.

6 (Pause in the proceedings.)

7 THE COURT: You guys are ten minutes late.
8 Come on up. I want you always here by 8:30, always
9 here. Okay?

10 This is Case Number 3:17-CR-169. We're
11 here for the continuation of the trial of this case,
12 and this is a pretrial conference -- well, I guess
13 interim trial conference. And Mr. Whalen, I wonder
14 if you could give them some idea of what you want to
15 ask without disclosing your trade secrets, because I
16 really do think they need to hear that.

17 MR. WHALEN: Your Honor, what I would like
18 to be able to ask is questions as it relates to
19 timing of when things were done and to what extent
20 in the sense of what was collected as far as
21 quantity and magnitude. I'm not going to ask a
22 question about the method that was used or how they
23 got access to it, whether it's through a court
24 order, a FISA warrant or anything like that. I
25 simply want to be able to ask, when did you start

1 doing that? How much data was collected? And the
2 different formats of data collection that they used
3 and the timing of it so I can establish a timeline
4 it started.

5 That's what I wanted to be able to ask.
6 Not about a method. Not about who authorized it or
7 didn't authorize it. I will not get into that. I
8 just want to be able to establish the timeline of
9 when they did it and what they exactly collected.

10 THE COURT: Ms. Meeks.

11 MS. MEEKS: Thank you, Your Honor.

12 I have first to mention -- I think I heard
13 you mention the trade secrets.

14 THE COURT: His trial strategies is what
15 I'm talking about.

16 MS. MEEKS: Understood, Your Honor.

17 I think that in terms of asking about the
18 scope of the investigation would be permissible.

19 THE COURT: Yes.

20 MS. MEEKS: Certainly that Special Agent
21 Golomb can talk about when they opened their
22 investigation and talk about when they closed their
23 investigation.

24 THE COURT: How about how much stuff they
25 took? It's -- well, you tell me.

1 MS. MEEKS: I guess I'm a little confused
2 as to how much stuff they took, what that might
3 entail. I think it's absolutely permissible for the
4 defense to ask about the scope and general terms;
5 ask about the various facets of the investigation,
6 that there was electronic surveillance, there was
7 also physical surveillance, there was video
8 surveillance. I think that is all well and
9 permissible. It's when you start to dig down into
10 the details of the electronic surveillance in
11 particular I think that becomes problematic.

12 THE COURT: I don't think he's doing that.
13 Mr. Whalen, are you going to do that?

14 MR. WHALEN: No. And I guess for the
15 record, the question I asked Agent Golomb was, "When
16 did you start listening live to the chat room?" and
17 that garnered an objection. So I'm not sure what
18 the objection is. I'm not asking how they did it,
19 I'm just asking, "Did you then start listening to it
20 in realtime?"

21 THE COURT: I think they are being overly
22 caution, but go ahead.

23 MS. MEEKS: It's not entirely accurate,
24 Your Honor, to say it was listened to in realtime
25 either. I think that's one of the areas that's

1 going to become an issue if we start to get down
2 into the details. But what I do think is if we can
3 talk and I think Special Agent Golomb can talk about
4 when the investigation began, how much resources
5 were committed to the investigation, the types of
6 methods by which the FBI conducted their
7 investigation, the number of manhours that were used
8 in the investigation, I think that that's all
9 admissible.

10 THE COURT: I think we're going to let him
11 do that to a certain extent. You can object when
12 you want to. Yesterday I think you objected pretty
13 soon, and I understand why. But I think he's
14 entitled to get into more than what he did
15 yesterday. You're going to bring Agent Golomb back
16 up here, right?

17 MS. MEEKS: Yes, Your Honor. And we are
18 going to bring him back up here. I think yesterday
19 the reason we objected is because Mr. Whalen asked
20 specifically the date it started. As far as the
21 date of the investigation starting, that's certainly
22 permissible. But I think he was looking for a
23 certain date that certain evidence was collected,
24 and that, again, gets into more details than I think
25 we would be comfortable with.

1 THE COURT: Mr. Whalen.

2 MR. WHALEN: Because I don't know what
3 they all did, I don't know how that affects when you
4 started doing something. All I'm asking is when did
5 you start doing it?

6 THE COURT: I think he's entitled to ask
7 that.

8 MS. MEEKS: Okay. Yes, Your Honor.

9 THE COURT: Okay. Is there anything the
10 government has?

11 MS. MARTIN: No, Your Honor. And Your
12 Honor, I apologize. I thought it was 8:30 if there
13 was something to take up.

14 THE COURT: It's always 8:30. You know,
15 it's always 8:30. If you need to take something up,
16 you need to be here by 8:30.

17 MS. MARTIN: Yes, Your Honor, I apologize.
18 I did not understand that to be your order. I'm so
19 sorry.

20 THE COURT: Okay.

21 MR. WHALEN: I do have one thing, Your
22 Honor. I want to bring this up as it relates to
23 Ms. Hussein who was testifying yesterday. It seemed
24 to me that she may have testified to what she
25 thought -- what the words meant and the idea being

1 while this is what he meant, Mr. Rahim meant when he
2 said this or wrote this. I think two things: One,
3 I think it's speculation; but two, I think it goes
4 outside the scope. They listed her as an expert out
5 of an abundance of caution, but I think it goes
6 outside the scope of her expertise to then say
7 because he said this, this is what he meant by it.
8 I didn't object at the time, but I am going to ask
9 the Court that if she's -- or find out if she's
10 going to testify to what she thinks these meant, I
11 think that is outside her scope of expertise, and I
12 would object to that.

13 THE COURT: Okay. Ms. Martin.

14 MS. MARTIN: Your Honor, Ms. Hussein is a
15 certified linguist, and her job is to translate
16 Arabic to English. Many words in English and other
17 languages have more than one meaning, and she is
18 testifying that, based on the context of the audio
19 that she listened to, this is what those words
20 meant. And I think that's completely appropriate,
21 that that is her job is to interpret based on the
22 context of a conversation.

23 THE COURT: I'm going to let you do it.
24 You can take this up on cross-examination, and I
25 know you object to it.

1 Anything else?

2 MR. WHALEN: No, Your Honor.

3 THE COURT: Anything else?

4 MS. MARTIN: Your Honor, we have
5 transcript books for the jury. I don't know if, to
6 save time, if you would rather us place them on
7 their chairs now or if you would like to wait.

8 THE COURT: I would like to wait. It
9 won't take that long to pass them out.

10 Anything else? All right. We will see
11 you here at 9:00 a.m.

12 (Recess taken.)

13 THE COURT: Let's continue with the direct
14 examination of this witness.

15 **AYDA HUSSEIN,**
16 **having been previously sworn, testified as follows:**

17 **DIRECT EXAMINATION (CONT'D)**

18 **BY MS. MARTIN:**

19 Q. Good morning.

20 A. Good morning.

21 Q. Ms. Hussein, yesterday you were -- I asked you
22 about several words that were Arabic words. Do you
23 recall that?

24 A. Yeah.

25 Q. And you gave the definition of those words.

1 A. Yes, I did.

2 Q. When you were giving the definition -- if you
3 could pull that microphone a little bit closer. I'm
4 having a hard time hearing you.

5 A. Okay.

6 Q. Do you recall me asking you the definition of
7 certain Arabic terms?

8 A. Yes, I do.

9 Q. And do certain words have more than one
10 meaning?

11 A. Yes.

12 Q. When you were giving the definition of those
13 terms here, how did you determine what meaning or
14 what definition to give?

15 A. Well, it's according to the meaning that I
16 know. And whatever I did not know, I looked it up
17 so as to be in the right context of what's being
18 said.

19 Q. And so when you talk about "nafir," were you
20 taking that word in the context of the conversations
21 or the audio?

22 A. Yes, I did.

23 Q. Did it have more than one meaning, though?

24 A. The meaning for "nafir" is waging jihad,
25 mobilizing to wage jihad. And another word for it

1 or synonym for it is "go forth."

2 Q. Go forth?

3 A. Go forth.

4 Q. And so when you said "mobilizing to wage
5 jihad," how did you determine that was the meaning
6 in this context?

7 A. This is the terminology used by ISIS that I am
8 familiar with, and it always indicates to the
9 meaning of going to wage jihad.

10 Q. And the defendant was speaking about ISIS in
11 that context?

12 A. Yes, he was.

13 Q. With respect to all the terminology you gave
14 yesterday, was that the same way you determined the
15 meaning?

16 A. Yes, it was.

17 Q. We also left off talking about the transcripts
18 in this case. And again, you transcribed or
19 verified every single transcript from Arabic to
20 English in this case.

21 A. That is correct.

22 Q. And I believe that I left off identifying a
23 long list of audio transcripts.

24 A. Um-hum.

25 Q. Or audio exhibits. And now at this time I

1 would like to identify the corresponding transcript
2 number: Exhibit 114, 116, 118, 120, 122, 124, 126,
3 128, 130, 132, 134, 136, 138, 140, 142, 144, 146,
4 148, 150, 152, 154, 156, 158, 160, 162, 164, 166,
5 168, 170, 172, 174, 176, 178, 180, 182, 184, 186,
6 188, 190, 192, 194, 196, 198, 200, 202, 204, 206,
7 208, 210, 212, 214, 216, 218, 220, 222, 224, 226,
8 230, 232, 234, 236, 238, 240, 242, 244, 246, 248,
9 250, 252, 254, 256, 258, 260, 262, 264, 266, 268,
10 270, 272, 274, 276, 278, 282, 284, 286, 288, 290,
11 292, 294, 296, 298, 300, 302, 304 and 312.

12 Ms. Hussein, did you compare the audio session
13 number with the transcript session number when
14 preparing for your testimony today?

15 A. I did for each exhibit and for each audio.

16 MS. MARTIN: Your Honor at this time the
17 government moves to admit the previous listed
18 exhibits for the audio and transcript?

19 THE COURT: Mr. Whalen?

20 MR. WHALEN: Your Honor, we would object
21 under predicate and 401 and 403.

22 THE COURT: 114 through 312 exactly as
23 Ms. Martin has just stated them is admitted.

24 Q. (By Ms. Martin) Now, Ms. Hussein, in this case
25 were you additionally provided some recordings from

1 the Italian government?

2 A. Yes, I was.

3 Q. And were you also responsible for transcribing
4 or translating audio recordings from that evidence?

5 A. Yes, I was.

6 Q. Did you use the same procedures in that -- with
7 respect to that evidence?

8 A. Yes, the same procedure.

9 Q. And you either personally translated or
10 transcribed it or verified the accuracy?

11 A. I did translate and verify finalization.

12 Q. And when you were doing it, did you use the
13 Italian session number in order to verify what you
14 had listened to and what you had transcribed in
15 preparing for your testimony today?

16 A. I did.

17 MS. MARTIN: Your Honor, I will list those
18 exhibits.

19 THE COURT: Go ahead.

20 MS. MARTIN: The audio is: Exhibit 74,
21 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100,
22 102, 104, 106 and the corresponding transcript
23 exhibits are 75, 77, 79, 81, 83, 85, 87, 89, 91, 93,
24 95, 97, 99, 101, 103, 105 and 107.

25 THE COURT: Are you offering those?

1 MS. MARTIN: Your Honor, I will offer
2 those with a subsequent witness.

3 THE COURT: You're not offering those
4 right now?

5 MS. MARTIN: No, Your Honor.

6 THE COURT: All right. All right.

7 Q. (By Ms. Martin) Ms. Hussein, I believe you
8 told the jury that it takes you -- well, how long
9 did you say it takes you to transcribe one minute of
10 Arabic audio to English?

11 A. It takes one hour.

12 Q. And so how much time would you say overall
13 you've spent listening to the defendant, Said Rahim?

14 A. Over all the period of investigation, it's
15 probably around 600, 5- to 600, in between that
16 number.

17 Q. You're a native Arabic speaker?

18 A. I am.

19 Q. Are you able to understand tone and inflection?

20 A. I was.

21 Q. And in this case, did you prepare some synced
22 transcripts to audio?

23 A. I did.

24 Q. What -- when I say "synced," what does that
25 mean?

1 A. It means writing subtitles or having subtitles
2 synced into the sound, audio, as it goes to
3 translate and describe or say what the defendant was
4 saying.

5 Q. So the transcript runs while the audio is
6 playing?

7 A. It runs together. It's synced, yes.

8 MS. MARTIN: For the exhibits that have
9 been admitted, may the government have permission to
10 publish those exhibits as they come up?

11 THE COURT: Yes.

12 Q. (By Ms. Martin) Ms. Hussein you've synced
13 Government's Exhibit 79 with 180; is that correct?

14 A. Correct.

15 Q. Before we listen to that transcript, what is
16 the Arabic word for "kill"?

17 A. It's oqtul.

18 THE COURT REPORTER: Can you spell that,
19 please?

20 THE WITNESS: It's O-Q-T-U-L.

21 MS. MARTIN: May we publish, Your Honor?

22 THE COURT: Yes.

23 (Audio played.)

24 Q. (By Ms. Martin) Ms. Hussein, did the
25 transcript accurately translate what the defendant

1 was saying in that recording?

2 A. It does.

3 Q. Does he repeatedly say "to kill"?

4 A. He repeatedly says the word "oqtul."

5 THE COURT: What exhibit was the
6 transcript?

7 MS. MARTIN: I'm sorry, Your Honor. That
8 was Government's Exhibit 180.

9 If we could have Government's Exhibit's
10 221 and 222.

11 (Audio played.)

12 THE COURT: And it would help to say when
13 these took place, if she knows.

14 MS. MARTIN: Yes, Your Honor.

15 Q. (By Ms. Martin) Ms. Hussein, that exhibit is
16 Transcript Number 222, and there's a binder in front
17 of you.

18 Do you see the date at the top of page 1?

19 A. I do.

20 Q. What is that date?

21 A. It's May 31st of 2016.

22 Q. Thank you. And in that transcript, Mr. Rahim
23 says: "In any area where Christians exist, they are
24 legal targets." Is that correct?

25 A. It's about four pages. Can you -- do you want

1 to give me the time to locate it?

2 Q. Yes, ma'am. On page 2 of Exhibit 22, line 7:

3 "In any area where Christians exist, they are
4 legal targets, or a Jew or atheist, or crusader, or
5 where a Christian missionary preacher is, not a
6 missionary, but someone who converts people to
7 Christianity. All those are legal targets of the
8 Islamic Caliphate State."

9 Did I read that correctly?

10 A. Yes.

11 Q. When you heard Mr. Rahim say that, did it sound
12 like he was joking?

13 A. No, he was not.

14 Q. If we can have Government's Exhibit 192, and
15 the audio is at 191.

16 (Audio played.)

17 Q. (By Ms. Martin) Ms. Hussein, if you can look
18 at the top of page 1 of Government's Exhibit 192.

19 Could you provide the date of that transcript?

20 A. It's the 1st of March on 2017.

21 Q. Would you look at that again?

22 A. Excuse me. January 3rd, 2017.

23 Q. Now, on page 2, line 11 Said Rahim says:

24 "Also, if you recall, before, from...I mean
25 less than a month -- less than a month, I called

1 upon the brothers, I mean, to target Turkey. But I
2 ... who am I to be heard, but I mean, praise be to
3 God, the Lord of the Worlds."

4 When he says, "Who am I to be heard," what does
5 that mean? What was he conveying through his tone?

6 A. Can you direct me to the line, please?

7 Q. Yes. It's line 14.

8 A. He is referring to his statement a month ago
9 upon his call to other brothers --

10 Q. When he --

11 A. -- to target Turkey.

12 Q. I'm sorry. Will you repeat that? Will you
13 repeat your answer?

14 A. Well, he was trying to remind the other
15 brothers on his call to them about a month ago to
16 target Turkey.

17 Q. Okay. And then when he continues on, "But who
18 am I to be heard --"

19 A. Right.

20 Q. -- what does that mean?

21 A. He is underestimating his position in the
22 channel and trying to humiliate himself.

23 THE COURT: Trying to what?

24 THE WITNESS: Humble himself.

25 THE COURT: Humble himself.

1 Q. (By Ms. Martin) So he's saying, "Who am I?
2 Who are they to listen to me?"

3 A. Right.

4 Q. And then it continues on line 15 and 16:

5 "I ask God to grant me reward for it, for
6 inciting brothers to perform jihad for the cause of
7 God - for inciting brothers to perform jihad for the
8 cause of God."

9 What do you understand asking God to grant a
10 reward to mean?

11 A. It's his way of asking for a reward for
12 inciting other brothers to wage jihad.

13 MS. MARTIN: If we could publish
14 Government's Exhibit 189 and 190.

15 (Audio played.)

16 Q. (By Ms. Martin) Ms. Hussein, if you will look
17 at Government's Exhibit 190.

18 Can you read the date at the top of that
19 transcript?

20 A. December 16, 2016.

21 Q. Is that a little less than a month before the
22 previous recording?

23 A. Yes.

24 Q. And the previous recording was in early
25 January 2017?

1 A. January, correct.

2 Q. And in this transcript, on line 18, he says:

3 "'Be a lone wolf,' if you are able to do
4 something in Turkey, so I mean attack the infidels
5 and the apostates, the Turks, the Turkish Police; if
6 you are able to kill them, then do so...if you can
7 burn their businesses or burn their homes, I mean
8 the government officials and police cars...to kill
9 police individuals. If you can do that, then do
10 it."

11 Was that, based on your context, what he was
12 referring to wanting rewards for?

13 A. Yes.

14 MS. MARTIN: If we could hear Government's
15 Exhibits 181 and 182.

16 (Audio played.)

17 Q. (By Ms. Martin) Ms. Hussein, if you could read
18 the date on the top of page 1 of transcript 182.

19 A. July 15th, 2016.

20 Q. Do you know whether or not that's a French
21 holiday?

22 A. It is not a French holiday.

23 Q. When he's laughing about -- do you hear him
24 laughing in this transcript?

25 A. Yes, I do.

1 Q. But he's saying "Happy Holiday" to France?

2 A. Yes.

3 Q. Why is he doing that?

4 A. He is celebrating the terrorist act that
5 happened in France and that was claimed by ISIS.

6 Q. And that was in Nice, France?

7 A. Yes.

8 Q. And he says "killing --" I'm sorry. He uses
9 the word "killing" in that transcript as well?

10 A. Yes, he does.

11 Q. What was that word again?

12 A. Oqtul.

13 MS. MARTIN: If we could publish
14 Government's Exhibits 151 and 152.

15 Q. (By Ms. Martin) Ms. Hussein, if you could look
16 at Government's Exhibit 152. What is the date of
17 that transcript?

18 A. The date is August 17, 2016.

19 Q. And on page 2, line 19, Said Rahim says:

20 "Come to jihad. Where are you men? Where are
21 you? Days and years keep passing and time is
22 running out quicker than lightning."

23 Do you see that?

24 A. Yes.

25 Q. In that context, what does the word "jihad"

1 mean?

2 A. Jihad is going forth for the cause of God,
3 Allah.

4 Q. And what does "jihad" mean when he asks:
5 "Where are the men, the time is running out"?

6 A. He's asking them, per se, to go and fight the
7 infidel.

8 Q. Did he appear to be joking during this audio?

9 A. Oh, no, he's very serious.

10 Q. Ms. Hussein --

11 MS. MARTIN: Your Honor, may I approach?

12 THE COURT: Yes.

13 MS. MARTIN: If we could publish
14 Exhibit 305, please.

15 Q. (By Ms. Martin) Ms. Hussein, I've given you
16 Government's Exhibit 305, and you will be able to
17 see it on your screen as well.

18 In the center of that exhibit, what language is
19 that writing?

20 A. This is the Arabic language.

21 Q. And what does it say?

22 A. It says the two words Agousha al-Shishani.

23 THE COURT: Spell them both.

24 A. Spell them. A-G-O-U-S-H-A, A-L,
25 S-H-A-I-N-A-N-I [sic].

1 Q. (By Ms. Martin) On that last word, did you say
2 S-H-I-S-H-A-N-I?

3 A. A-L, S-H-A-I-S-H-A-I-N-I [sic].

4 Q. Okay. What does Shishani mean?

5 A. A person from Chechnya would be called
6 Shishani.

7 Q. If we can see Exhibit 306.

8 That small button up towards the top left
9 corner, do you see that?

10 A. Yes.

11 Q. Can you read that?

12 A. In Arabic?

13 Q. Yes.

14 A. Muqsala.

15 Q. Can you translate it from Arabic to English for
16 the jury?

17 A. I don't have the word in mind, because it's
18 sort of, I believe, originally a French word taken
19 from French into English.

20 Q. What is it in Arabic?

21 A. A muqsala is the tool that you cut off the
22 person's neck or behead a person's head with it.

23 Q. Okay.

24 MS. MARTIN: Your Honor, I will pass the
25 witness.

1 THE COURT: Cross-examination, Mr. Whalen.

2 CROSS-EXAMINATION

3 BY MR. WHALEN:

4 Q. Ms. Hussein, good morning.

5 A. Good morning to you, sir.

6 Q. You said you started with the FBI in what year?

7 A. In 2007.

8 Q. Okay. And when did you become involved in this
9 case?

10 A. At the beginning of it, springtime, around
11 April, I believe, of 2016.

12 Q. Okay. And just so we're clear, how many hours
13 of audio did you listen to?

14 A. I listened to about, I would say, 200 hours out
15 of the 5- to 600 audios that I was tasked with.

16 Q. Okay. So you were given 5- to 600 hours of
17 audio, and you listened to just 200 of it?

18 A. Yes.

19 Q. Did you listen to 200 personally and other
20 people listened to the other?

21 A. No, that's personally.

22 Q. Okay. Did other people listen to the remaining
23 hours?

24 A. Yes, the other team of linguists did.

25 Q. Okay. And so what all did you listen to?

1 A. Can you clarify the question?

2 Q. Well, obviously you listened to audio to make
3 these translations, correct?

4 A. Correct.

5 Q. So how many hours of audios from Zello did you
6 listen to?

7 A. I don't have the exact numbers, but I believe
8 Zello, by itself, might have been around 170 hours,
9 somewhere there, 150, 170.

10 Q. How much?

11 A. 150 to 170.

12 Q. Okay. And then did you start listening to
13 those in April of 2016?

14 A. When?

15 Q. Yes. Did you start listening to the Zello
16 audios in April of 2016?

17 A. Yes. Correct.

18 Q. And is that the -- did you already have that
19 150 hours at that time?

20 A. At the beginning of listening to Zello?

21 Q. Yes.

22 A. No.

23 Q. Okay. My next question is, during the course
24 of this investigation, did you continue to get more
25 audios from Zello?

1 A. Yes.

2 Q. When did you get more audios from Zello?

3 A. As the investigation was going.

4 Q. Okay. And so did you continue to get new
5 audios from Zello throughout the investigation?

6 A. Just about.

7 Q. Okay. And those were not in addition to what
8 you received in the beginning, correct?

9 A. Yes.

10 Q. Okay. Now, you also listened to audio, I think
11 you said on direct examination, of phone calls. Did
12 you listen to phone calls?

13 MS. MARTIN: Objection, relevance, Your
14 Honor.

15 THE COURT: Sustained. We will get back
16 to it. Go ahead.

17 Q. (By Mr. Whalen) Other than Zello, did you
18 listen to any other recordings?

19 MS. MARTIN: Objection, Your Honor,
20 relevance.

21 THE COURT: Let's come up.

22 (Bench Conference:)

23 THE COURT: Go ahead and tell us why you
24 are objecting, Ms. Martin.

25 MS. MARTIN: Your Honor, I believe

1 Mr. Whalen is trying to get from this witness what
2 different types of electronic surveillance were
3 being conducted.

4 THE COURT: All right. Mr. Whalen?

5 MR. WHALEN: Two responses: One, I think
6 in direct examination she did testify that she
7 listened to phone calls. So I think that's out and
8 I get to inquire about it. I'm just asking when she
9 listened to them. I'm not asking how she -- what
10 else she -- all that she listened to, the quantity
11 of what she listened to.

12 MS. MARTIN: Those were jail calls that
13 she listened to between him and his family.

14 THE COURT: All right. How is FISA in --
15 you know, located in this?

16 MS. MARTIN: We believe he's trying to
17 elicit the different types of collection from this
18 witness to the extent that she knows.

19 MR. WHALEN: I'm just asking what she
20 listened to.

21 THE COURT: I'm going to let him ask that,
22 and we will just see where it goes.

23 MS. MEEKS: Your Honor, the types of
24 collection, itself, whether it was --

25 THE COURT: I can't hear you.

1 MS. MEEKS: The types of collection, the
2 ways in which it was collected is classified. I
3 think what Mr. Whalen is asking about the phone
4 calls, we were specifically on direct talking about
5 jail calls. So we didn't open the door to any types
6 of collection.

7 MR. WHALEN: But the point is, if she's
8 listening to all of this, she's listened to it and
9 then this is what she's testifying to, it goes to
10 what I talked about yesterday. It goes to trial
11 strategy, defensive theories, that, if I can't ask
12 her that, then I can't present it.

13 MS. MEEKS: So, Your Honor, under CIPA 8,
14 this line of questioning requires the witness to
15 disclose classified information. The government
16 would make a formal objection under CIPA 8, in which
17 case if the Trial Court feels it needs more
18 information, it would necessitate an ex parte
19 hearing.

20 THE COURT: So what can he ask?

21 MR. WHALEN: The other thing I will point
22 out for the record is, the question becomes is she's
23 offering her opinion of what he meant through the
24 context. So what is she relying in toto to form
25 that opinion?

1 THE COURT: All right. Go ahead. Can he
2 ask her anything more?

3 MS. MEEKS: He can ask her certainly for
4 the basis of her opinion, and he can certainly ask
5 her how many hours she's listened to. But when you
6 ask about, did you hear phone calls, were there
7 certain other kinds of --

8 THE COURT: He can ask for phone calls.

9 MS. MEEKS: That was the jail calls, Your
10 Honor.

11 THE COURT: That doesn't matter. They
12 don't know that.

13 MS. MEEKS: Well, we are precluded from
14 mentioning they were jail calls. It would disclose
15 the fact that the defendant was in custody.

16 THE COURT: I don't know that you are
17 precluded from mentioning that they were jail calls.
18 I don't think you are precluded from mentioning
19 that, okay, I really don't.

20 MS. MARTIN: Well, we were trying not to
21 prejudice the jury by knowing he's in custody.

22 THE COURT: Well, I mean, if it happened,
23 it happened.

24 MR. WHALEN: I know. I didn't want to
25 elicit jail calls either, because it wasn't offered.

1 But there are recorded phone calls --

2 MS. MEEKS: That's -- that's just not
3 correct, Your Honor. That's not correct.

4 THE COURT: Tell us what is the deal.

5 MS. MEEKS: Your Honor, I can't -- I
6 can't -- this is not the appropriate forum for
7 everything that we have prelitigated about CIPA to
8 disclose the exact types of electronic surveillance.
9 It is entirely permissible for the defense to
10 mention electronic surveillance, but whether they
11 were phone calls or Zello is not relevant.

12 THE COURT: All right. All right. All
13 right. No phone calls, but you're going --

14 MR. WHALEN: I'll move on, Judge. I'm
15 just frustrated. But I will find a way to work
16 around it.

17 THE COURT: I think you can ask a few more
18 questions along these lines. Let's go.

19 (Bench conference concluded.)

20 Q. (By Mr. Whalen) Ms. Hussein, I want to start
21 back with your education and training.

22 How far did you go in school?

23 A. I finished high school, and I have a diploma in
24 computer programming, too.

25 Q. Where did you get your computer programming

1 degree?

2 A. In -- where I was residing.

3 Q. Okay. Now, when did you get certified as an
4 Arabic-to-English translator?

5 A. With the FBI in 2007.

6 Q. Okay. And when you were -- when you're given
7 things to translate, are you told up front what the
8 nature of the investigation is?

9 A. We usually have a briefing on the case before
10 we start working on it.

11 Q. Okay. Are you told what they are hoping to
12 hear or ask you what to look for, or do they tell
13 you what to look for?

14 A. Not hoping, per se, but the requirements of
15 translation would usually be directed to finding out
16 if there is some wrongdoing.

17 Q. Okay. So when you start listening to these
18 recordings and translations, you're focused on
19 listening for what you believe or what the
20 government believes to be wrongdoing, correct?

21 A. Actually, it is our job to investigate people,
22 yes. And we are trained to be unbiased towards
23 either party, so we usually translate what we hear
24 without having sides.

25 Q. Did -- you've offered some opinions here of

1 what you think the person meant by what they said,
2 correct?

3 A. To my understanding, yes.

4 Q. Okay. Do you have any degrees in psychology?

5 A. No, I don't.

6 Q. Okay. Have you ever practiced psychology?

7 A. No, I haven't.

8 Q. Okay. So when you talk about what you think he
9 meant or what he said, that's your opinion, correct?

10 A. No.

11 Q. Okay.

12 A. It's actually what he says in the context of
13 what's being said, sir.

14 Q. Okay. Now, are you aware when you got these
15 audios from Zello that they were not the complete
16 conversations? Were you aware of that?

17 A. Yes.

18 Q. Okay. And have you ever been in a situation
19 where you came in in the middle of a conversation in
20 real life?

21 A. You mean a conversation started earlier to the
22 recording of the audio?

23 Q. Right. Let me ask you this: Have you ever
24 been in a social setting and then get into the
25 middle of a conversation and you hear something that

1 could be offensive, but you don't hear anything that
2 started it, right?

3 A. Sure.

4 Q. Okay. Is it possible that you could
5 misinterpret what they said because you didn't hear
6 the complete context of it? Would you agree with
7 that?

8 A. The recordings were not as short as you might
9 imagine where you would miss the main point of
10 what's being said or to misunderstands what's being
11 said.

12 Q. On each of these transcripts, it has the length
13 of time of each one, correct?

14 A. Correct.

15 Q. Some of them are 50 seconds, some are two
16 minutes, and some may be 20 minutes, correct?

17 A. Correct.

18 Q. But you don't know whether or not that's the
19 entire conversation, correct?

20 A. That's true.

21 Q. Now, let's look at Exhibit 152.

22 Can you pull up the first page of Exhibit 152?

23 Can you go to the top of the page?

24 Do you see 152 on your screen there?

25 A. Yes.

1 Q. And if we look at the top of it, just so when
2 we look at the data, this occurred on August 17th of
3 2016.

4 A. Correct.

5 Q. And the only participant in this conversation
6 is Mr. Rahim?

7 A. Correct.

8 Q. You have no idea whether anybody is actually
9 listening to him, do you?

10 A. By itself, no, I don't.

11 Q. Thank you.

12 Can you pull up Exhibit 190, just the
13 transcript. Go to page 2.

14 Ms. Hussein, we heard part of this translation
15 in Exhibit 190, but we didn't hear part of the
16 second page. If you look at page 2, would you agree
17 there's somebody named RR, indicating that he wanted
18 to immigrate to the Islamic State, but he doesn't
19 know how to reach Palmyra from Turkey or other
20 places?

21 A. Correct.

22 Q. Do you see that?

23 A. I do.

24 Q. Can you read out Mr. Rahim's response, please?

25 A. He says: "By God I have no-no-no information

1 on this. May God bless you."

2 Q. Thank you.

3 Now, you talked about before that word may have
4 different meanings, correct?

5 A. Correct.

6 Q. And so when your methodology of trying to
7 determine whether or not what meaning to give it,
8 you're looking at it from the standpoint of what you
9 think it means, what you thought he meant.

10 A. Sir, my mother tongue language is Arabic and I
11 am from a Palestinian descent. So it's all about
12 knowledge of the language. And it's the
13 understanding of what's being said is something
14 natural that comes to a person, just like you do
15 with English.

16 Q. Okay. But you would agree with me that the
17 English language has a lot of different variations
18 and words that have different meanings, depending on
19 different regions?

20 A. Of course; synonyms, yes.

21 Q. And would you agree with me -- let me ask you
22 this question: You talked about -- I think you
23 mentioned on direct examination the word Abu
24 al-Shahid. Do you remember talking about that?

25 A. Yes, I do.

1 Q. And "Abu" means "father of," correct?

2 A. Correct.

3 Q. But if you have "Abdul," that means "servant
4 of," correct?

5 A. Correct; of God, yes.

6 Q. So if it's Servant, Abdul al-Shahid, that's the
7 servant of -- what would that be?

8 A. Al-Shahid is one of the 99 names -- the
9 beautiful names they call them -- in Islamic terms
10 of God.

11 Q. So if it's Abdul al-Shahid, then it's servant
12 of God, correct?

13 A. In a way, yes, correct.

14 Q. Okay.

15 A. But that is the other meaning, if I may
16 collaborate on that. That is one of the meanings of
17 Abd al-Shahid. The other meaning that I mentioned
18 also means martyr.

19 Q. So it can be servant of God, and then the other
20 opinion you gave is murder, correct?

21 A. Correct.

22 Q. And you're the lead linguist on this, correct?

23 A. Correct.

24 Q. Does anybody check your work?

25 A. No, I'm the final reviewer of the work.

1 MR. WHALEN: I'll pass the witness.

2 THE COURT: Redirect?

3 **REDIRECT EXAMINATION**

4 **BY MS. MARTIN:**

5 Q. Ms. Hussein, Mr. Whalen was just asking you
6 about Abdul al-Shahid. Do you recall that?

7 A. Yes, I do.

8 Q. I think he asked you if the other meaning was
9 "murder." Is the other meaning "murder"?

10 A. Did he say "murder"? I thought he said
11 "martyr."

12 Q. Martyr is what you are saying?

13 A. That's what I heard him saying.

14 Q. What is the other meaning? Servant of God, and
15 what is the other meaning?

16 A. The other meaning, servant of God is Abd.
17 Al-Shahid has two meanings. One of them is a name
18 for God being the all witness, observer of things.
19 And the other meaning is "martyr."

20 Q. Would you spell "martyr" for us?

21 A. M-A-R-T-Y-R.

22 MS. MARTIN: Thank you. Pass the witness,
23 Your Honor.

24 THE COURT: Anything else, Mr. Whalen?

25 MR. WHALEN: Just real quick, Your Honor.

1 THE COURT: Sure.

2 **RECROSS-EXAMINATION**

3 **BY MR. WHALEN:**

4 Q. So obviously we could say -- you could say a
5 word, I could say a word. We're both speaking
6 English, but we both misunderstood it, correct?

7 A. You could.

8 MR. WHALEN: Pass the witness.

9 THE COURT: May the witness be excused?
10 Mr. Whalen?

11 MR. WHALEN: Yes, Your Honor.

12 THE COURT: You can be excused. Just
13 remember not to talk about the case until it's over.
14 Go back to work. Thank you.

15 THE COURT: Call your next witness.

16 MS. MEEKS: Dr. Vidino. The government
17 calls Dr. Vidino.

18 At this time the government would like to
19 pass out the transcript binders to the jury.

20 THE COURT: Yes, that's fine. Go.
21 Ahead and swear him again.

22 COURT SECURITY OFFICER: Okay.

23 (Witness sworn.)

24 THE WITNESS: I do.

25 COURT SECURITY OFFICER: Have a seat.

1 State and spell your first name and last name.

2 THE WITNESS: Lorenzo Vidino. That's
3 V-I-D-I-N-O.

4 THE COURT: Just a minute. Before you say
5 anything else, let them hand out the transcripts.

6 Does everyone have one now? Nope? Okay.
7 Okay. All right. Go ahead.

8 MS. MEEKS: Thank you, Your Honor.

9 **LORENZO VIDINO, Ph.D.**

10 **having been first duly sworn, testified as follows:**

11 **DIRECT EXAMINATION**

12 **BY MS. MEEKS:**

13 Q. Dr. Vidino, thank you for being here this
14 morning. Can you tell us what your current
15 employment is?

16 A. I'm the director of the program in extremism at
17 the George Washington University.

18 Q. And what is the role of the program on
19 extremism at George Washington?

20 A. What the program does is basically research on
21 everything extremism with a particular focus on
22 jihadist groups, Al-Qaeda, ISIS, in the west, in the
23 United States in particular. So it's a team of
24 around 12, 15 people. And what we do is basically a
25 lot of analysis, and then we publish most of our

1 work. And that's for dissemination to the wider
2 public, the policymakers, law enforcement and the
3 wider public.

4 Q. And does the program have any specialized
5 particular terrorist group that it follows?

6 A. ISIS and Al-Qaeda.

7 Q. Is the program, part of its research, does it
8 monitor online activities for propaganda with regard
9 to those groups?

10 A. Yes. That is a big part of what we do. We
11 have a small team devoted to monitoring certain
12 platforms where ISIS supporters are active, some of
13 the larger ones like FaceBook or Twitter, or some of
14 the smaller ones. And we have published a lot of
15 reports on that. We constantly monitor those
16 platforms.

17 Q. Okay. And besides that, what else is your
18 professional background?

19 A. I have a law degree. And then I have a
20 master's and a doctorate from the Fletcher School of
21 Law and Diplomacy in International Security, we
22 focus on the Middle East. So I have basically been
23 an academic for the last 19 years.

24 Q. And has that focus been on -- you said the
25 Middle East?

1 A. Mostly jihadist activities in the West; so
2 Middle East. But how groups like Al-Qaeda and ISIS
3 function, but especially in the West, how they
4 recruit people, how people in the West mobilize and
5 support and join those groups.

6 Q. Would you say that you are very familiar, then,
7 with ISIS and how it functions?

8 A. I would say so, yes.

9 Q. And are you aware of trends in terrorism?

10 A. Yes, of course. We look at things -- I look at
11 things globally to understand the dynamics here in
12 the United States or European countries. So
13 understanding general trends with terrorist groups
14 and the geopolitics behind it is crucial.

15 Q. Okay. You talked a little bit about being
16 published. Can you explain that further? What does
17 that mean? What types of things have you published,
18 and is it subject to peer review?

19 A. Yes. So basically I have published some six
20 books and around 20 journal articles and around 20,
21 25 reports and around probably a couple of hundred
22 shorter articles. The bigger products are generally
23 peer reviewed. Peer reviewed means that at least
24 two scholars -- or it could be analysts from
25 government agencies -- look at what I write, what my

1 center publishes, and we get feedback.

2 For example, in academic journals, if you don't
3 pass the peer review, you're not going to get
4 published. So there are ways to keep, of course,
5 the academic rigor of what we publish. And even for
6 the things we publish internally, that means not in
7 journals, we do sort of a voluntary peer review.
8 That means before publishing a report, we send it
9 out to colleagues to get their feedback and to
10 basically see their comments, if they have suggested
11 edits.

12 Q. Give us a sampling or idea of a sampling of the
13 types of topics that you publish on?

14 A. Sure. Well, we publish a lot on -- the first
15 big report that we did as a center, I was one of the
16 two authors. And keep in mind, as the director of
17 the center, everything sort of goes to me, even the
18 things written by the analysts of the center, I have
19 to read it and edit. Some of it, of course, I write
20 myself. It was on ISIS in America. It was
21 basically the first academic report that looked at
22 how, at the time, around only 80, 90 individuals
23 throughout the United States had been charged for
24 ISIS-related activities.

25 We have done a lot of work on the online

1 component of immobilization. So looking at how the
2 ISIS sympathizing community online functions, how
3 these individuals communicate, what platforms were
4 used and so on and so forth.

5 We are currently looking at financing, how
6 individuals for ISIS supporters in the United States
7 fund their activities, whether they send money
8 abroad, whether they receive money from abroad.

9 We do a lot of work in trying to understand who
10 these individuals are, what the -- the reasons that
11 lead them to radicalize. That's sort of a term of
12 art. That means embracing ISIS' worldview, and
13 then, eventually, carry out the attacks on ISIS'
14 behalf or travel or attempt to travel to the city of
15 Iraq to join ISIS.

16 Q. Okay. And have any particular government
17 agencies or organizations used those reports or
18 relied on them in some fashion?

19 A. Yes. We are an independent entity. Of course
20 we are part of major university. But we -- we make
21 it a point to have our reports being very accessible
22 and useful for different agencies, different
23 stakeholders.

24 We regularly provide briefings to Congress. I
25 have testified before Congress several times. Our

1 reports have been the foundation of at least two
2 hearings that I know of before Congress. I'm aware
3 that some of the reports we publish are being used
4 as training materials by different law enforcement
5 agencies at the federal, state and local level
6 throughout the country.

7 Same goes in certain -- in other foreign
8 countries where I know our materials are used.

9 Q. Yes. So what is the international reach of
10 your program, and have you had the opportunity to
11 also speak or participate in international forums?

12 A. Yeah. Of course the main focus of the center
13 is what happens in the United States, but obviously
14 one has to contextualize it in the broader dynamics
15 taking place in Europe, the Middle East and other
16 parts of the world.

17 Also my background -- I think everybody might
18 have picked up on the accent -- I am originally from
19 Italy. I do a lot of work in Europe. We do work
20 with several governments and research centers,
21 universities, media outlets, many European and
22 Middle Eastern countries.

23 I travel very often. I attend conferences.
24 Just the last three months I have been in the Middle
25 East twice. I have spoken at major conferences in

1 Singapore and Italy and Spain. So traveling is a
2 big part of what we do, because of course one has to
3 sort of understand trends in other countries, so
4 their global phenomenon. And only by exchanging
5 thoughts and notes with people in other countries
6 one can make sense of it.

7 Q. Okay. Have you testified in other terrorism
8 trials?

9 A. Yes, I have.

10 Q. And you mentioned that you are originally from
11 Italy; is that correct?

12 A. Yes.

13 Q. So are you familiar with a co-conspirator in
14 this case by the name of Monour el Aoual?

15 A. I am.

16 Q. Did you have any investigation or any
17 involvement in the investigation of that case?

18 A. No, I have not.

19 THE COURT: What was his name?

20 MS. MEEKS: It's Monour el Aoual, Your
21 Honor.

22 THE COURT: Okay.

23 Q. (By Ms. Meeks) So it's just a coincidence that
24 you happen to be from Italy?

25 A. Very much so.

1 Q. What languages do you speak?

2 A. Italian and English, and I get by French
3 Spanish and German.

4 Q. Do you speak Arabic?

5 A. I don't.

6 Q. Are you familiar with certain Arabic terms in
7 the context of the jihadist community?

8 A. Very much so, with sort of the terms of art and
9 having studied this phenomenon for almost 20 years,
10 it's inevitable you come across them all the time.

11 Q. Let's talk a little bit about your CV or your
12 resume, which is Government's Exhibit 51.

13 THE COURT: 51 is not in evidence. 51 is
14 not in evidence I don't think.

15 MS. MARTIN: No, it's not.

16 MS. MEEKS: Okay.

17 Q. (By Ms. Martin) So we're going to show up on
18 the screen what is marked as Government's Exhibit
19 51.

20 THE COURT: You can't show it because it's
21 not --

22 MS. MEEKS: I'm sorry, Your Honor.

23 THE COURT: It doesn't really matter. His
24 CV really isn't admissible. Can you just pull from
25 it?

1 MS. MEEKS: I wanted him to walk us
2 through his CV if it reflected his employment
3 history. We would move to admit it into evidence
4 subject to objection.

5 THE COURT: Any objection?

6 MR. WHALEN: Your Honor, I don't think
7 it's relevant.

8 THE COURT: I don't think so, either. You
9 can use it to refresh his recollection, but it's not
10 admissible.

11 MS. MEEKS: Okay. Then we will move on
12 from that.

13 Q. (By Ms. Meeks) You've provided the government
14 a copy of your CV or your resume?

15 A. Yes, I did.

16 Q. And have you been paid for your time spent
17 reviewing the evidence and this information, have
18 you been paid or will you be paid in this case?

19 A. I will be, yes.

20 Q. Okay. And is that standard practice for people
21 in your area?

22 A. Yes.

23 Q. Does that have any effect on your testimony
24 here today?

25 A. No, it doesn't.

1 MS. MEEKS: At this time, Your Honor, I
2 would move to have Dr. Vidino recognized as an
3 expert witness.

4 THE COURT: Any objection?

5 MR. WHALEN: No, Your Honor.

6 THE COURT: I recognize him as an expert.
7 Go ahead.

8 MS. MEEKS: Thank you, Your Honor.

9 Q. (By Ms. Meeks) Okay. We were talking about
10 ISIS. But does ISIS have other names that it goes
11 by or is known as?

12 A. ISIS does go under several names that reflects
13 the long history the group has had. But people call
14 it ISIS, ISIL, Daesh, Dawla, several names that
15 people can use to refer to the same group.

16 Q. Okay. And has that been designated as a
17 foreign terrorist organization by the U.S.
18 Department of state?

19 A. Yes, it has.

20 MS. MEEKS: Your Honor, at this time I
21 request to publish Government's Exhibit 53, which
22 has been admitted into evidence.

23 THE COURT: That's fine.

24 MS. MEEKS: Can we get Government's
25 Exhibit 53, please?

1 Q. (By Ms. Meeks) Do you recognize this,
2 Dr. Vidino?

3 A. I do. That is the State Department designation
4 of what is the original group, the original name
5 used by ISIS, or at least that's the very first
6 designation of the group.

7 Q. So there appear to be several names contained
8 in this document. Is that accurate?

9 A. Yes. And since then, actually, several other
10 names have been added; again, to reflect the history
11 of the group, the expansion and evolution of the
12 group.

13 Q. Okay. Let's talk a little bit about that. How
14 did it -- that's fine, thank you.

15 How did it evolve over time of as sort of a
16 traditional Al-Qaeda model?

17 A. It's a very long and complex history. I will
18 try to keep it short. I think one can trace the
19 origins of the group to a man named Abu Musab
20 al-Zarqawi.

21 THE COURT REPORTER: Will you spell that,
22 please?

23 THE WITNESS: Yeah. A-B-U, M-U-S-A-B,
24 A-L, Z-A-R-Q-A-W-I, and of course there are
25 variations to that as well.

1 A. Zarqawi was a fairly charismatic and prominent
2 Jordanian jihadist, was based in Afghanistan, close
3 to Osama bin Laden, close to Al-Qaeda in the late
4 '90s. He led a small group after the U.S. invasion
5 of Afghanistan right after 911 and relocated to
6 Iraq.

7 When, in 2003, the U.S. invaded Iraq, that
8 group found itself in a very convenient situation
9 from a jihadist point of view, from Al-Qaeda's point
10 of view, meaning that it was right there where U.S.
11 forces were operating. So it became a very
12 prominent group, and it led the insurgency against
13 the U.S. military.

14 By 2004, it was officially named as Al-Qaeda in
15 Iraq. That is when the designation is first from.
16 It went through different iterations, different
17 names, just sticking to the main ones. In 2006, it
18 renamed itself as Islamic State of Iraq. This sort
19 of reflects the ambition that the group has always
20 had to create a state, to create a society, an
21 independent state ruled by a very strict
22 interpretation of Islamic law.

23 Of course it wasn't very successful at the
24 beginning. The group was active in Iraq, led
25 insurgency, carried out countless terrorist attacks

1 in Iraq in those years.

2 It went through decline from, let's say, by
3 2010 and 2011 and then sort of a renaissance or
4 resurgence in 2011, 2012 with the beginning of the
5 civil war in Syria. Syria is a neighboring country
6 to Iraq, and it was engulfed in civil war, which
7 still plagues the country right now.

8 What Al-Qaeda -- or the Islamic State in Iraq
9 did in 2012, it started operating across the
10 border -- at least part of it across the border and
11 started operating in Iraq, as well -- in Syria, as
12 well; hence the name ISIL or ISIS, to reflect
13 Islamic State of Iraq and the Levant or Islamic
14 State of Iraq and Sham, which is the Arabic term for
15 the region of the Levant, which is Syria.

16 Q. Yeah, I was going to ask you the next question
17 about the Levant. Can you describe what that means
18 geographically?

19 A. That's historical region which encompasses
20 Syria, Lebanon, part of Palestine, Israel and parts
21 of Jordan.

22 Q. So that's what's reflected now in the current
23 terminology of ISIS and ISIL.

24 A. ISIS and ISIL, yes. So when the group moved
25 from Iraq or it expanded from Iraq also to Syria, it

1 added the "S" or "L," the Sham or Levant part to the
2 name, hence ISIS or ISIL. So the group became very
3 active in the Syrian conflict, again employing the
4 same tactics of -- a mix of military and terrorist
5 tactics. They are brutal, they are ruthless, they
6 are efficient, if you will.

7 By 2014, it had occupied a fairly large portion
8 of territory in both Syria and Iraq, territory which
9 is the size of France, so fairly, fairly large. But
10 it's taken advantage of the chaos that engulfed both
11 Syria and Iraq.

12 And what it did in June of 2014, it declared
13 the territory to be a Caliphate. That means
14 declared it to be an Islamic State, and it ran that
15 territory until basically less than a year ago as a
16 de facto state with functioning of administration,
17 with a hierarchy, with de facto ministries, the
18 department of sanitation, you name it. It was
19 really a fairly efficient bureaucracy and of course
20 a fairly ruthless one, very, very violent and very
21 strict in how it enforced its vision on its
22 territory.

23 Q. Okay. Let's backtrack just a little bit. You
24 had talked about the Caliphate. What does that mean
25 historically? What is a Caliph?

1 A. Caliphate is the entity that traditionally has
2 ruled. And in the Muslim world, when the Caliph is
3 the leader of the Muslim community, of the global
4 Muslim community, and it embodies both political and
5 religious power.

6 Now, the last universal-recognized Caliph
7 basically was removed in the 1920s. What ISIS did,
8 it tried to reclaim that Caliph, Baghdadi, who is
9 the leader of ISIS, claimed to be the new Caliph,
10 which of course a claim that the vast majority of
11 Muslims worldwide rejected, but it's how ISIS tried
12 to claim legitimacy and tried to claim its global
13 appeal.

14 Q. And that person's name was -- can you repeat it
15 one more time?

16 A. Abu Bakr al-Baghdadi, who is the leader of ISIS
17 and self-appointed Caliph.

18 THE WITNESS: Do you need the spelling.

19 THE COURT REPORTER: Please.

20 THE WITNESS: Abu is A-B-U. Bakr,
21 B-A-K-R, al and then B-A-G-H-D-A-D-I.

22 Q. (By Ms. Meeks) And who are some of the other
23 important members or leaders in ISIS?

24 A. The number 2 is Abu Mohammed al-'Adnani,
25 A-D-N-A-N-I. He was killed in 2016, but he was in

1 charge of external operations for ISIS, that means
2 basically planning terrorist attacks worldwide. And
3 he was also the main spokesperson for ISIS.
4 Baghdadi has not historically been a very
5 media-friendly leader while 'Adnani has given a lot
6 of public speeches.

7 Q. How about an individual named Shishani?

8 A. Shishani was a -- is a Chechen leader, is a
9 name I would say of ISIS. He climbed up through the
10 ranks of ISIS because he was a very good field
11 commander, not originally from Syria or Iraq. So
12 one of the leaders of the foreign factors were
13 fighting with ISIS, but because of his skills, he
14 managed to become a member of the upper echelons of
15 ISIS.

16 Q. We mentioned a little bit about the ways that
17 ISIS became a functioning state. Can you give us
18 more detail into what types of ways that it would
19 operate in -- in operating like a state?

20 A. As I said, it really had, you know, the same
21 sort of a structure that mirrored that of states,
22 like the states are recognized by the United
23 Nations, with head of state, with ministries, and so
24 on and so forth.

25 Now, of course all of that was based on a very

1 extreme fringe-literalist interpretation of Islam,
2 and that entailed, therefore, a very brutal, very
3 literalist interpretation of certain rules. So
4 punishments for behaviors were not considered to be
5 in line with the law, were extreme, from chopping
6 people's heads off, amputations, very, very severe
7 punishments for anybody that was not in line,
8 whether -- because if a person was perceived to be a
9 spy or in any way speaking ill against the group or
10 because they were engaging in moral behaviors that
11 were not considered to be acceptable by ISIS. So
12 violence was a crucial component of how ISIS kept
13 order within its society. So there's no dissent
14 allowed, let's put it like that.

15 The idea that ISIS also always had --

16 MR. WHALEN: Objection to the narrative,
17 Your Honor.

18 THE COURT: Sustained. Ask another
19 question.

20 MS. MEEKS: Yes, Your Honor.

21 Q. (By Ms. Meeks) In terms of the law that
22 governed the state, can you tell us a little bit
23 about that?

24 A. So ISIS has -- so there's Islamic law in
25 general, which is called Shari'a. Of course there's

1 not a universally accepted and codified body of
2 Islamic law. There are different opinions from
3 different jurisprudence. ISIS adopts its own
4 interpretation of Shari'a, of Islamic law, which is
5 extreme literalist, which I think it's fair to say
6 is quite extreme.

7 Q. Does that include sort of the punishments that
8 you were also speaking about?

9 A. Yes, very physical and brutal punishments which
10 ISIS meted out in public.

11 THE COURT: Do you know if you have a
12 witness in here? Is it okay? I mean everybody
13 agree with that?

14 MS. MARTIN: Your Honor, I believe she was
15 excused.

16 MR. WHALEN: She was, Your Honor.

17 THE COURT: Go ahead.

18 MS. MEEKS: Thank you, Your Honor.

19 Q. (By Ms. Meeks) Okay. So there are other
20 political aspects at play. Can you talk about the
21 difference between Sunni and Shiite and give us an
22 understanding of that.

23 A. It's a very complex issue. But I would say in
24 a nutshell, Sunni and Shiite are the two main sects
25 in Islam. It's a split. It dates back to the very

1 early days of Islam. It has to do with the
2 leadership within the Muslim community. And of
3 course, then, some issues having to do with
4 doctrine, simplifying things a lot, I would say sort
5 of like Catholic and Protestants, but of course it's
6 very different. And obviously when it comes to the
7 most extreme parts of those communities, there's
8 very strong animosity between Sunnies and Shias, and
9 groups like ISIS would not see groups as Shias as
10 Muslims.

11 Q. Let's talk about some of the terminology that
12 you would be familiar with or that you would come to
13 encounter in your studies.

14 Are you familiar with the term "mobilize"?

15 A. Yeah. Mobilize is normally the term that is
16 used both in jihadist community and, say, by people
17 in sort of more in the academic community, to mean
18 when people decide to get into action, do something;
19 when people have embraced ISIS worldview and mindset
20 and then take it to the next level, which is doing
21 something. Generally mobilizing entails either
22 traveling to join a group or carrying out an attack
23 wherever they are.

24 Q. Is that similar to the term "Hijrah"?

25 A. Hijrah is travel. Hijrah is only travel. So,

1 again, like with a lot of things with groups like
2 ISIS and al-Qaeda do, they take terms which are
3 mainstream terms in Islamic theology, but use them
4 in a certain interpretation.

5 Hijrah is what mainstream Islam, the prophet
6 Mohammed did when he traveled from Mecca to Medina
7 to create the first Muslim community.

8 Jihadists use it to basically represent the
9 travel that people should do to join groups like
10 ISIS and al-Qaeda, so leave places where Islam is
11 not established, like the United States or pretty
12 much any place on the planet, and join what they
13 believe to be true Muslim groups, like ISIS and
14 al-Qaeda.

15 Q. And what about jihad, you mentioned that. Can
16 you explain it? Are there different kinds of jihad?

17 A. Again, jihad is a term that has a meaning
18 within mainstream Islam which means basically to
19 strive for God, to do something difficult to please
20 God.

21 Jihadists would use most of the narrow
22 interpretation of jihad, which is fighting, doing
23 something difficult, but is military fighting to
24 please God.

25 Q. Does it have other meanings? Can it mean other

1 things such as other types of jihad, Jihad of the
2 Pen? Is that something?

3 A. Yeah. Jihadists would say, of course, there's
4 different ways that you can fight for God. One is
5 military fighting, but there's Jihad of the Pen,
6 which is basically writing or spreading information
7 and awareness about jihadist groups and what their
8 activities are, basically recruiting.

9 Q. What is the type of jihad that's promoted by
10 ISIS?

11 A. ISIS does both, promotes both, everything that
12 is useful to the cause. So ISIS is engaged in
13 military fighting, but is at the same time directly
14 engaged and also actively supporting people who
15 spread their message. Propaganda goes hand in hand
16 with fighting. You can't have one without the
17 other.

18 Q. What do the words polytheism and monotheism,
19 what does that mean to you?

20 A. So Islam, like Christianity, like Judaism, is a
21 monotheist religion. But monotheism for groups like
22 ISIS and al-Qaeda takes a very strong meaning,
23 meaning that only Muslims -- only Muslims will
24 accept the very extremist interpretation of Islam.
25 They accept the real monotheist; everybody else is

1 polytheist, and of course adores more than one God.
2 And being polytheist, of course, is a major sin
3 punishable by death.

4 Q. And is polytheism in this context, is it
5 applied to other aspects of importance to a
6 community? For polytheism is it only -- is it
7 multiple gods, or would it also encompass something
8 like democracy?

9 A. Yeah, of course the -- the broader
10 interpretation the jihadist groups adopt, it's not
11 just being openly worshiping server of gods, like
12 Hindus would do. But it's also putting anything at
13 the same level of God. So if you believe in
14 democracy, you are polytheist, because groups like
15 ISIS would believe that only Shari'a, which is
16 God-mandated, is the true law. Manmade law, like
17 the ones in democracy, basically means man
18 substituting himself to God. That is, of course, a
19 major sin, so you are not a real monotheist, you're
20 not a true Muslim.

21 Q. Talk a little bit about traveling, hijrah and
22 mobilize. Why is it important to ISIS for people to
23 mobilize or to commit hijrah to the Islamic State?

24 A. ISIS has always sought recruits. A lot of -- a
25 big part of the membership of ISIS, of course, are

1 made of people who are in Syria and Iraq, which is
2 the central territory that ISIS controls. But ISIS
3 has always welcomed and encouraged the migration of
4 people from other countries. According to the
5 United Nations, some 60,000 people physically joined
6 ISIS in Syria and Iraq. And so they left their
7 countries in Europe, the Middle East, Southeast
8 Asia, and traveled and joined ISIS. And they have
9 played a big role in ISIS development.

10 Q. Is it just men who would travel?

11 A. No. It's mostly men, but there's a fairly
12 large part of women who have also traveled and
13 joined the group.

14 Q. Would families travel?

15 A. That's also a very common dynamic, which ISIS
16 highly encouraged. I mean, ISIS, as we said
17 earlier, has created this narrative, they were
18 building a state, a perfect utopian society. So it
19 wasn't just men fighting, as much as it was, of
20 course, very important. It was bringing families,
21 women, children, to create the perfect society they
22 wanted to create.

23 Q. Are you familiar with the term "ISIS bride"?

24 A. Yes.

25 Q. What does that mean to you?

1 A. It's a term that is sometimes used to define
2 women who travel and join ISIS and want to marry
3 somebody in ISIS.

4 Q. And what about for younger women, for young
5 girls or teenagers?

6 A. It's also a fairly normal dynamic with some
7 cases of very, very young girls traveling generally
8 with their parents or with their husbands. But we
9 have seen cases of 12, 13-year-old girls traveling,
10 sometimes alone, even from European countries, and
11 joining ISIS.

12 Q. When people would go, at the height of its
13 control, what territory did it hold and for how long
14 and how has that changed over time?

15 A. Yeah. Well, as we said earlier, 2014 and early
16 2015 was sort of the height of ISIS territorial
17 control. It controlled basically parts of Syria and
18 parts of Iraq, as we said earlier, the size of
19 France, give or take, although large parts of it
20 were desert.

21 By the end of 2014, the U.S.-led international
22 coalition started attacking ISIS, the military.
23 That means also through local allies on the ground.
24 So ISIS started being under attack and started
25 progressively losing part of its territory.

1 By 2017, it really had lost a significant
2 amount of it. It had lost some of the major cities
3 it held. Basically at this point, it's literally a
4 matter of couple of months ago, it lost the last
5 stronghold that it held in Syria, which is a small
6 town of Baghouz, B-A-G-H-O-U-Z. So basically at
7 this point ISIS no longer controls territory in
8 Syria and Iraq.

9 Q. At the height of its control over a territory,
10 was it calling for people to travel to -- or really
11 even while it was building the territory, people to
12 travel to the land?

13 A. That has always been one of the strongest
14 messages from the beginning; travel, come to fight
15 or come to help build a state.

16 Q. What were the different ways that people would
17 travel? Would they have direct communications,
18 indirect communications?

19 A. It depends. There's different patterns for
20 different dynamics for different individuals. I
21 would -- I would sometimes use sort of an analogy.
22 It's like traveling when you fly, it's like first
23 class, business class, economy class. And I would
24 say first class basically happens with those very
25 few individuals who have very strong connections to

1 ISIS. People who travel there, because of course
2 the difficulty of course is not so much in traveling
3 to the Turkish border, which is sort of the gateway
4 to get to Syria and Iraq, but in how you connect
5 with the group, how do you actually show up and join
6 the group.

7 So first class would be those individuals that
8 go there and have a strong predating connection with
9 the group of people who have been fighting in
10 previous conflicts; they are part of that
11 environment.

12 Business class would be those that manage to
13 establish some kind of connection mostly through
14 social media and had a way to connect with the
15 group. So the path would be, for example, somebody
16 wanting to travel from the West to Syria would first
17 fly to Turkey, and in Turkey would meet with
18 somebody with whom he or she had contact through
19 social media, had a phone number, a name, a place,
20 and some kind of way to get in touch with the group.

21 Economy class is really people who, especially
22 at the beginning of the conflict, just traveled to
23 the border between Turkey and Syria and tried their
24 luck to make their way into Syria. And particularly
25 at the very beginning of the mobilization, I would

1 say the majority of people were traveling economy
2 class, meaning just showed up at the border. And
3 ISIS was really very different from a lot of other
4 groups in the sense it was very welcoming, very
5 open. Anybody that -- there was some vetting, of
6 course, just wanted to sort of make sure people were
7 not infiltrating the group, people were not spying
8 on the group. But compared to other groups, like
9 al-Qaeda, ISIS has always been very open. The bar
10 for joining the group has always been fairly low.

11 Q. Okay. And what about -- what about ISIS
12 wanting attacks in infidel countries? Can you
13 explain that?

14 A. Yeah. Well, ISIS, as always, encouraged
15 attacks against the West, but that message has
16 become particularly strong after September 2014.

17 September 2014 is where, as we said earlier,
18 the U.S.-led international coalition started bombing
19 and attacking ISIS. Their reaction from ISIS was of
20 course military on the ground, but was also calling
21 for attacks, mobilizing its global network of
22 supporters to carry out attacks in the countries
23 that were attacking ISIS. The message was, they
24 attack us here, we attack them back home.

25 Q. What is the reasoning for that?

1 A. The reasoning for that is there's different
2 strategic purposes in doing that on ISIS part. One
3 is, of course, weakening the willingness, the will
4 of individual countries in being part of the
5 anti-ISIS coalition. They estimated that if we
6 attack, let's say, Spain, with terrorist attacks on
7 Spanish ground, Spanish people will basically -- and
8 the Spanish government will then pull out of the
9 coalition, the coalition will be weak, and that's
10 obviously good for ISIS.

11 You can argue there's a very strong second
12 strategic objective, which is the idea of
13 polarizing, creating polarization in western
14 societies; the idea of creating a divide between
15 Muslims and the non-Muslims; the idea of creating a
16 perception of mainstream society that all Muslims
17 want to carry out attacks, which creates
18 depolarization in society which serves ultimately
19 ISIS purpose.

20 Finally I would say it's just a simple point of
21 revenge. You attack us here, you kill us here, we
22 kill you back there. It's provincial what you are
23 doing. So all this -- this -- the series of attacks
24 we have seen in the West over the last five years,
25 basically, respond to these three dynamics.

1 Q. How many attacks have we seen in the last --
2 over the existence of ISIS?

3 THE COURT: Please ask the question again.

4 Q. (By Ms. Meeks) How many attacks has the West
5 experienced pursuant to ISIS?

6 A. Since the declaration of the Caliphate, since
7 June 29, 2014, 80, 81, depends on what you count as
8 ISIS attacks, but around 80.

9 Q. Would you still consider ISIS to be a threat to
10 the West?

11 A. Yes, very much so.

12 Q. Why is that?

13 A. Because ISIS still exists. It has lost its
14 territory in Syria and Iraq, but the group is still
15 there. We have seen calls. We have seen leadership
16 of the group emerging even in the last few days. We
17 know that they have networks in western countries.
18 We see occasionally terrorist attacks in the West,
19 although less than a few years ago. We see on a
20 weekly basis arrests by law enforcement intelligence
21 agencies in all western countries.

22 The assessment, public assessments by law
23 enforcement intelligence agencies in all western
24 countries are basically the same, but ISIS is still
25 very much around.

1 Q. Okay. Let's talk a little bit now about media
2 and the role it plays.

3 Does ISIS use traditional or nontraditional
4 forms of media or both?

5 A. It uses both. But where ISIS has really put a
6 lot of effort and has got a lot of good results from
7 their point of view is the internet and social media
8 in particular.

9 Q. Let's talk first about the traditional media.
10 Are there traditional media aspects to the terrorist
11 organization?

12 A. Yes. They publish sort of magazines, and of
13 course some of them were distributed when ISIS was
14 controlling territory, it distributed them in
15 printed form among its population. But all those
16 materials are also published online, so you can find
17 the magazines also online.

18 Q. What were the magazines called?

19 A. There's plenty. I would say the two main ones
20 are called Dabiq, D-A-B-I-Q, and Roumiya,
21 R-O-U-M-I-Y-A.

22 Q. What kind of content would you find in those?

23 A. The quintessential propaganda material;
24 information about the group, about its operations;
25 whether on the ground in Iraq or globally, of course

1 from their point of view; pieces that are more, I
2 would say, ideological/theological. That means
3 inciting people to join the group, encouraging them
4 to do so, encouraging people to carry out attacks.

5 A lot of it, of course, is framed to the lenses
6 of religion. That's how ISIS sort of does. It uses
7 the mental of -- of religion to frame all its
8 discourse, its narrative. So it's informational,
9 but obviously with that propaganda aspect, which is
10 crucial.

11 Q. What do you see on social media?

12 A. So ISIS has always been, from the very
13 beginning, very good at using social media,
14 disseminating its propaganda. And I think it's fair
15 to say from both a quantitative and qualitative
16 point of view. ISIS propaganda has been,
17 comparatively speaking, very high, very high
18 quality. We're talking about, you know, videos that
19 really look like some of the best video games one
20 would see or music videos; very, very high quality
21 production.

22 And they then disseminate them through a
23 variety of channels and platforms, from the largest
24 ones, FaceBook, Twitter, those that most people
25 would have, to sort of fringe smaller ones, lesser

1 known ones. And they have done so both directly and
2 indirectly, meaning that ISIS had more than -- had
3 several formal affiliated publishing houses,
4 production companies that had their own websites and
5 channels and Twitter accounts and FaceBook pages and
6 so on and so forth.

7 But on top of that, ISIS counted on probably a
8 larger number of unaffiliated sympathizers who
9 disseminated the propaganda broadly. That means
10 these individuals who were not necessarily
11 underground in Syria and Iraq, they could have been
12 in far-flung places around the world, not
13 necessarily formally affiliated with the group as I
14 said, but sympathizers who took it upon themselves
15 to disseminate the propaganda on a variety of
16 platforms.

17 We are talking about on platforms like Twitter.
18 For example, hundreds of thousands of accounts that
19 the company has shut down in what is a regular cat
20 and mouse game, where they shut down accounts, then
21 ISIS supporters reopen them. But the magnitude of
22 it is pretty impressive.

23 Q. Is it only propaganda or is social media used
24 to communicate as well?

25 A. Well, there are different values to social

1 media. Communication, meaning spreading the
2 propaganda. Reaching as broad of an audience as
3 possible is obviously the first goal for a group
4 like ISIS, which has always tried to reach masses,
5 tried to reach as broad of an audience as possible.
6 Social media is the perfect place to do it.

7 But of course there's a second aspect, which is
8 for people who are serious about it, people who get
9 engaged in the propaganda and want to mobilize, as
10 we said earlier, want to do something.

11 Communicating, talking one to one in more groups
12 becomes very, very important. So ISIS would put a
13 lot of resources in doing so, both directly and
14 indirectly.

15 Directly means that it had a fairly large
16 number of people, which are fighting on the ground,
17 but at the same time communicating with supporters
18 abroad, trying to reach them, trying to encourage
19 them to join the group.

20 And indirectly meant that there what some
21 people call fanbois at the time, it's sort of a
22 diminishing term, but supporters all over the world
23 who were kind of doing the same thing, which meant
24 creating all these platforms and reaching out to
25 people and communicating with them. The more

1 serious the conversation --

2 MR. WHALEN: Objection to the narrative,
3 Your Honor.

4 THE COURT: Sustained.

5 Q. (By Ms. Meeks) Do some of the social media
6 platforms allow people to communicate directly from
7 the battlefield?

8 A. Yes, they do.

9 Q. And are you familiar with an online platform
10 called Zello?

11 A. I am.

12 Q. Are you aware that the defendant used Zello in
13 this case to communicate with others?

14 A. I am.

15 Q. And are you familiar with the Zello chat or the
16 Zello channel called State of the Islamic Caliphate?

17 A. Yes.

18 Q. Have you had the opportunity to review the
19 transcripts of the defendant's statements on that
20 Zello channel in this case?

21 A. I have.

22 Q. And what were your initial reactions to those
23 transcripts?

24 A. Well, first reaction was the size of -- you
25 know, quantitatively, a lot of information, a lot of

1 activity taking place on that platform. I would say
2 specifically when it comes to the -- the defendant,
3 it was pretty clear he was somebody with fairly deep
4 knowledge and understanding of ISIS, of its jargon,
5 of its strategy, of its priorities, of its
6 operations.

7 It wasn't somebody who was -- you know, we do
8 look at a lot of people on these platforms, and
9 clearly comparatively, this was somebody who was
10 very knowledgeable. And that knowledge is
11 acknowledged by a lot of other people on the
12 platforms that look up to him. I think that's also
13 a dynamic that is pretty apparent, that he puts
14 himself as somebody that is -- can impart knowledge,
15 can motivate other people, and it's clear that
16 people look up to him and ask him questions. He
17 does not ask questions. He gives answers or gives
18 very long sermons, if you will.

19 Q. And does it appear as though he would be in a
20 leadership position?

21 A. Very much so.

22 Q. What is the level of sophistication that you
23 normally see, and how does this compare to that?

24 A. If we look at it in an American setting, I
25 would say this is very sophisticated; again, for the

1 size of it, but also for the knowledge that exists.
2 I mean, a lot of -- I used the term fanbois earlier,
3 because a lot of ISIS sympathizers in the U.S. are
4 not really knowledgeable about ISIS. They may be
5 enthusiastic, but they don't really know much about
6 it. Here the conversation is very different.
7 There's significant knowledge of, as I said, the
8 terminology, the strategy, the mindset behind it.
9 It's significantly more professional than the
10 average.

11 Q. Is there an operational aspect to it that you
12 don't normally see?

13 A. Bears repeatedly the conversation about people
14 who have mobilized from the platform; the idea of,
15 first of all, that people start talking on these
16 platforms, and several examples are mentioned
17 throughout the conversations of people who started
18 their radicalization process on the platform but
19 then mobilized, went beyond talking and traveled and
20 joined ISIS.

21 And there is, in several conversations, this
22 idea that this platform is created on purpose, to
23 enforce the adherence to ISIS ideology, but then
24 also to do something; it's not just talk, it's been
25 to travel.

1 MS. MEEKS: Your Honor, with permission, I
2 would ask that the witness and the jurors turn to
3 their transcript books.

4 THE COURT: You know what? I think it's
5 about time to take our morning break. It's been an
6 hour and a half. Let's take a 15-minute break.
7 Please remember not to talk about the case, and we
8 will see you back here in 15 minutes.

9 (Jury exits courtroom; recess taken.)

10 THE COURT: Everybody ready for the jury?

11 MS. MEEKS: We want the Court to know that
12 at this stage we want to read in the transcripts
13 that have already been admitted into evidence. We
14 do not intend to play the corresponding audio.

15 THE COURT: Okay. All right.

16 MS. MEEKS: I just wanted to make the
17 Court aware of that.

18 THE COURT: All right. Let's bring them
19 in.

20 (Jury enters courtroom.)

21 THE COURT: Okay. Ms. Meeks, go ahead.

22 MS. MEEKS: Thank you, Your Honor.

23 Q. (By Ms. Meeks) Dr. Vidino, before we turn into
24 going through the transcript book, I wanted to
25 publish Government's Exhibit 52, which has already

1 been admitted into evidence for your review.

2 Do you recognize what's marked as Government's
3 Exhibit 52?

4 A. Yes.

5 Q. And is this a map of a portion of the Middle
6 East?

7 A. That's correct.

8 Q. Can you just walk us through where the
9 countries are in relation to one another? And show,
10 if you could for the jury, just discuss -- you had
11 mentioned something about the border from Turkey to
12 Syria. Can you talk a little bit about that so we
13 have a visual?

14 A. Yeah, sure. So the top corner -- so
15 basically -- well, Syria is right in the middle.
16 The northern border is with Turkey, and that's a few
17 hundred miles. That's really the main border
18 through which most foreign fighters who joined ISIS
19 traveled to, because it was easier to get into
20 logistically, and ISIS operated mostly in the
21 northern parts of Syria. So there's a -- that's a
22 few towns on the border there. There's one called
23 Gaziantep, right there. Those are the main border
24 towns to which volunteers travel to from all over
25 the world and then made the leap into Syria and

1 often, you know, ISIS would have his own network of
2 smugglers that could smuggle people across the
3 border. But particularly at the beginning, it
4 wasn't that difficult to cross. The Turkish
5 authorities were not really patrolling the border
6 very extensively.

7 Q. And where is Jordan and the West Bank in
8 relation to Syria on the map?

9 A. The opposite side. It's on the southern part.
10 You see Jordan, and next to it -- it says Israel,
11 and right up there is the West Bank. So the border
12 it shares is on the south.

13 Q. And then Iraq is over to --

14 A. Over to the west, that's correct.

15 Q. And does this comprise the Levant for what you
16 were discussing earlier?

17 A. Yes, absolutely. It's the Levant -- this is
18 basically a map of the Levant. The Levant would be
19 basically all of Syria, Lebanon, which is the
20 country that is between Syria and the Mediterranean
21 and the sea; parts of northern Jordan and basically
22 the West Bank and Israel, parts of it.

23 Q. Okay. Now I would turn your attention to the
24 transcript binder, Dr. Vidino, specifically
25 Transcript Number 204. It has corresponding audio,

1 Government's Exhibit 203, but 204 in the transcript
2 binders.

3 A. Yes.

4 Q. Okay. I'm going to read through some of this,
5 Dr. Vidino, and then I will ask what your opinions
6 are on certain portions. So this transcript
7 reflects narrative by Said Rahim, the SR on the
8 left.

9 THE COURT: Can we have a date on that?

10 MS. MEEKS: We do, Your Honor. This is
11 September 24th, 2016.

12 THE COURT: Okay.

13 Q. (By Ms. Meeks) "Peace be upon you so with the
14 mercy of God. Good morning and greetings from God
15 to the supporters of the Islamic State, the
16 supporters of the Islamic Caliphate State, special
17 greetings full of the scent of er, musk, er, of the
18 martyrs and shame and dishonor to the nation of
19 infidels."

20 In your expert opinion, what does it mean when
21 they are talking about the nation of infidels and
22 martyrs in this context?

23 A. So he's greeting those that he thinks are, you
24 know, people on the right side. The martyrs are
25 people who die fighting jihad, martyrs of the

1 Islamic State, and of course to greetings full of
2 scent, musk; shame and dishonor to the nation of
3 infidels. Infidels are non-Muslims.

4 Q. It continues:

5 "Greetings from God to the brother supporters
6 and greetings from God to the lions of loyalty and
7 disavowel, the lions of monotheism."

8 What does that mean?

9 A. Those are two terms that probably translated
10 into English make very little sense. But they are
11 two very common images used by ISIS and main
12 jihadist circles. Loyalty and disavowel is a
13 concept that means -- again, used by ISIS, not by
14 all Muslims -- that Muslims should be loyal only to
15 other Muslims and disavow and hate all non-Muslims.
16 So a good Muslim, according to ISIS and ISIS
17 supporters would be somebody that, you know, hates
18 all non-Muslims.

19 Q. What is the lions of monotheism?

20 A. Again, lion is an image often used by ISIS.
21 That's, you know, of course, somebody of value. And
22 monotheism is, again, we discussed it earlier, the
23 concept of believing in one God but in a very
24 extreme form that ISIS adopts. So lions of
25 monotheism would be true Muslims the way ISIS would

1 see them.

2 Q. It continues:

3 "Greetings from God to those who pledge
4 allegiance to the Emir of the believers, Abu-Bakr
5 al-Baghdadi to listen and obey."

6 What is an Emir of the believers, and again,
7 can you remind us about Baghdadi?

8 A. Baghdadi is the leader of ISIS. And in June of
9 2014, Baghdadi declared himself to be the Caliph,
10 the leader of all Muslims. So the Emir -- Emir
11 means the guide, the leader of the believers, of
12 Muslims.

13 Here, clearly, there's an allegiance to
14 Baghdadi and to ISIS. The vast majority of Muslims
15 worldwide did not and do not recognize Baghdadi as
16 the leader of all Muslims. Only an ISIS supporter
17 would do so. So saying this clearly shows
18 allegiance to ISIS.

19 Q. It continues:

20 "Greetings from God on the suicidal projects,
21 greetings from God to the lone wolves, greetings
22 from God to all the brothers, and greetings from God
23 to the supporters."

24 What does he mean, suicidal projects or lone
25 wolves?

1 A. Those, again, are sort of categories of
2 individuals that in a way work for ISIS, if you
3 will, or ISIS members. Suicidal projects
4 interpreted to be the individuals that want to be
5 martyrs, want to die for the cause of ISIS.

6 The lone wolves, that's, again, a term of art.
7 It means individuals that carry out attacks on
8 behalf of ISIS by themselves independently, as we
9 have seen often in terrorist attacks in the West.

10 Q. Continuing on line 21:

11 "Greetings from God to all the families of the
12 martyrs, their parents, the children and relatives,
13 greetings from God to them."

14 What does that mean in this context?

15 A. Again, there's the -- of course the idea of
16 martyrs, those that die fighting for ISIS, occupy a
17 special place in paradise, have a special honor.
18 And the honor that comes with the martyrdom is also
19 extended to their family, their parents, their
20 relatives. There is this idea which is very common
21 in jihadist circles, that if you die for God, if you
22 die fighting jihad, you can intercede for your
23 relatives, and you can reserve for them a special
24 place in paradise.

25 Q. So is it an honor, then -- would it be

1 considered an honor in the extremist communities if
2 a relative had died in jihad.

3 A. Dying in jihad is the highest honor, again, in
4 jihadist circles. And if you believe, of course,
5 that interpretation of Islam, then having a relative
6 who has died fighting jihad is a very big honor,
7 yes.

8 Q. Continuing:

9 "Greetings from God to our mothers who brought
10 up lions and did not ... not sheep, brought up lions
11 with sharp teeth and sharp nails, to attack and tear
12 apart the enemies of the nation and the enemies of
13 Islam from the Magi, Nusayris, and the Crusaders."

14 What is the enemy of Islam from the Magi, the
15 Nusayris and the Crusaders?

16 A. Those are three terms of art used by the
17 jihadist community to define three religious groups
18 that ISIS doesn't like and fights. The Magi are the
19 Zoroastrian. That's a very small religious group in
20 Syria and Iraq that ISIS has been fighting. The
21 Nusayris are the (phonetic) Shia, the other big
22 sect in Islam, which also ISIS has been fighting,
23 and the Crusaders are the Christians.

24 Q. And then we skip ahead to line 8 on this page
25 2, where it says:

1 "I mean, we know that the martyr can also
2 mediate for 70 of his relatives. So wait and keep
3 on, keep on raising these lions."

4 Does that reference what you were talking about
5 earlier?

6 A. Yes. Yes, that's exactly what I meant. So the
7 martyr, somebody who dies fighting can mediate, can
8 intercede for up to 70 of his relatives, meaning
9 he's -- up to 70 of his relatives can have a place
10 in paradise because of his actions.

11 Q. Now I would ask you to turn to Government's
12 Exhibit 294 in the transcript book, which has
13 corresponding audio, 293, but 294 in the transcript
14 book.

15 MS. MEEKS: The date of this transcript,
16 Your Honor, is June 15th, 2016.

17 THE COURT: Thank you.

18 Q. (By Ms. Meeks) Again, starting with "SR" as
19 representing Said Rahim on line 7, saying:

20 "Noted, noted; noted. Okay, er, the ones on
21 mute should pray upon the Prophet Muhammad, may God
22 bless him and grant him peace, and appease upon
23 Abu-Bakr, 'Umar, 'Uthman and 'Ali, and upon our
24 mother, 'A'ishah, may God be pleased with her, and
25 then we will un-mute you."

1 What does that mean?

2 A. It fairly means extreme Islam salutation, I
3 would say, because they are early followers of the
4 Prophet Muhammad, the first companions of the
5 Prophet Muhammad.

6 Q. Go down to line 23 on page 1, where a "UM",
7 which is cited as an unknown male says:

8 "Upon our master 'Umar. Sheikh, er, I swear I
9 do not know, I do not know. I mean I read, so I
10 want to learn from you."

11 What does that imply to you, and what does the
12 word "Sheikh" mean?

13 A. Sheikh is a title that is given to somebody who
14 is particularly knowledgeable and wise. It's an
15 honorific title. So to refer to somebody as Sheikh,
16 particularly in a religious context, means somebody
17 that has, you know, important knowledge about
18 religion. And the fact that this individual says,
19 "I want to learn from you," that tells me that he's
20 clearly looking up to the defendant as somebody who
21 has important knowledge and from which he can learn.

22 Q. It continues on, then, with the defendant
23 stating:

24 "All right, then, stay on mute to learn, that's
25 better; stay on mute so you can learn how to listen

1 to the brothers, to the scholars and learn and then
2 we will look into your position."

3 To which the UM states:

4 "May God bless you, fine, Sheikh."

5 What does that tell you?

6 A. That this could be a subordinate position that
7 this individual is taking in relation to the
8 defendant. The defendant is clearly telling him
9 that this person being less knowledgeable about
10 religion and about ISIS in general should just not
11 speak and learn, and the other person clearly
12 accepts that and calls him Sheikh, which, again, is
13 a title that you would give to somebody who is very
14 knowledgeable.

15 Q. Now I would like to turn your attention to
16 Government's Exhibit 208, corresponding audio 207.
17 But 208 in the transcript binder.

18 On 208, I will actually turn to page 2,
19 starting at line 2.

20 MS. MEEKS: And the date on this, Your
21 Honor, is September 24, 2016.

22 THE COURT: Okay. The participants are,
23 again, the defendant and a user by the user name
24 aaaa100.

25 So aa states on line 2:

1 "May God reward you, my brother, I am listening
2 to your wonderful talking, God bless you."

3 To which the defendant replies:

4 "May God bless you, may God reward you with
5 goodness. We ask God that these words I mean will
6 enter your hearts and be beneficial, by the will of
7 God, that these words will be beneficial, may God
8 bless you.

9 "As we said, we, by the favor of God, glorified
10 and exalted be He, er, are supporters and by the
11 will of God, to be suicidal projects and jihadists
12 for the cause of God, when I mean God facilitates
13 the way for us. I mean be acknowledged my dear
14 brothers, do not lightly -- do not take lightly
15 these channels; do not take lightly these channels
16 and/or the programs that support the Islamic
17 Caliphate, whether on Zello, Paltalk, or Twitter or
18 other communication means."

19 What does this reference to you? What does
20 this mean to you?

21 A. The first individual who is thanking the
22 defendant for his speeches, his wonderful talking.
23 And what the defendant is saying, particularly in
24 the second paragraph, is that everything that
25 happens on this channels -- and he's referencing

1 Zello, but also Paltalk, which is another platform
2 that is very common among jihadists, or Twitter.

3 The conversations there are very important to
4 basically create members of the Islamic State, to
5 create individuals who become members of the Islamic
6 State. When he says, "to be suicidal projects and
7 jihadists for the cause of God," meaning do not take
8 lightly what happens on these platforms, which is
9 not just talk, it is the talk that then brings to
10 action.

11 Q. Does this reflect the importance of social
12 media, as you were mentioning earlier?

13 A. I'm sorry?

14 Q. Does this reflect the importance of social
15 media used by ISIS, as you were mentioning earlier?

16 A. Yes, absolutely. This is, again, what ISIS,
17 itself, says constantly, that it's crucially
18 important to have a presence on social media to
19 create followers, to attract people, and to have
20 sympathizers graduate to the next level, which means
21 joining ISIS or carrying out attacks on behalf of
22 ISIS.

23 Q. Continue on line 21, again the defendant:

24 "So praise be to God, the Lord of the Two
25 Worlds, how many brothers mobilized, how many

1 brothers mobilized with the grace of God, glorified
2 and exalted be He, after they heard the words of the
3 sheikhs of jihad! By God they mobilized..."

4 What is a sheikh of jihad?

5 A. Sheikh of jihad would be the knowledgeable
6 individuals who know about jihad. Of course,
7 according to the defendant's interpretation of
8 those -- of who would be those, of course.

9 Q. Okay. And continuing on:

10 "I mean brothers; they used to say, 'What-what
11 is this?' I mean in the beginning they used to say:
12 'What-what is this? This is not doing me any good,
13 it is just empty talk, empty words. They just talk
14 and don't do-they do nothing.' But, when you see
15 the honesty of those who talk about loyalty and
16 disavowel, about loving for the sake of God and hate
17 for the sake of God, you see these truthful mouths
18 which speak of what God and the messengers said.
19 You see the truthfulness, and you know that these
20 individuals are truthful, and of course God is
21 sufficient unto them."

22 Does this represent sort of a growth or a
23 change or an evolution to you in the social media
24 platform?

25 A. Yeah, because it just shows that the defendant

1 is following exactly, taken a page from ISIS book,
2 sees the importance of social media, that this is
3 just not empty talk. This is the way to radicalize,
4 recruit, and mobilize individuals.

5 The idea that individuals who, according, of
6 course, to the defendant's interpretation, have
7 honesty or are honest about their desire to please
8 God, true social media can do something. That is
9 the gist of it.

10 Q. So it continues on line 13:

11 "So you hear them talking, but many of the
12 brothers mobilized for the cause of God, glorified
13 and exalted be He, and I am honored to be in this
14 channel; some of the brothers who mobilized, and
15 they are martyrs, we consider them alive in the
16 presence of their God; martyrs. They are martyrs.
17 They were in this channel, in this channel."

18 When he says, "they are martyrs, but we
19 consider them alive in the presence of God," what
20 does that mean?

21 A. According to the belief a martyr doesn't really
22 die, dies in this world, but is still alive and very
23 much occupying a place of honor next to God.

24 What he is saying is these martyrs who started
25 their trajectory, their process on these channels,

1 they went on, they died in battle, but they occupy
2 this place of honor next to God. And they were in
3 this channel, in this channel. So it really makes
4 the point that its true channel -- to this specific
5 channel and channels like this, that people join
6 groups like ISIS and may achieve what is the highest
7 honor, which is dying for God.

8 Q. Continuing on line 22, again the defendant here
9 saying:

10 "They would listen, listen, answer the doubts
11 and defend the Caliphate State, but they detested
12 themselves when they remained as speakers and feared
13 on themselves as hypocrisy, as one of the brothers
14 told me, we ask God to protect him, he is now
15 jihadist with the Islamic Caliphate State. I do not
16 want to-I do not want to mention his name for fear
17 of hypocrisy, but he is one of the jihadists and was
18 on this channel. We used to communicate. I would
19 talk to him, and used to tell me he did not want to
20 be one of the hypocrites that God talked about O ye
21 who believe!"

22 What is he referring to here in terms of a
23 hypocrite?

24 A. Hypocrite has a specific meaning, the original
25 word in Arabic. The value of it is, those who claim

1 to be Muslim but are not really Muslims because they
2 don't act according to the tenets of Islam. This
3 concept of hypocrisy, which groups like ISIS would
4 use, which basically entails that only those who
5 that really act as Muslims -- and according to ISIS,
6 that would mean fight jihad -- are real Muslims.

7 So what the defendant here is saying is that
8 there are other people that are on this channel,
9 including one specific individual, who are -- this
10 fear of hypocrisy. So they fear that they're just
11 all talk and they are not really doing anything,
12 they are not really acting to further God's will.

13 But through those channels, it says, you know,
14 we used to communicate, I would talk to him and then
15 he mobilized and then joined ISIS. So he is no
16 longer a hypocrite because he, you know, acted.

17 Q. Sure. It goes on, starting on line 18, to say:

18 "Yes, this is what he wanted; so God
19 facilitated for him so he went to the land of the
20 Caliphate, and he is now a soldier among the
21 soldiers of the Islamic Caliphate State. Glory be
22 to the Almighty God."

23 Continues on line 24:

24 "I swear, I am embarrassed to speak with him.
25 By God, I am embarrassed. What am I going to say to

1 him? I swear by God, what would I say? What would
2 I say to him? That is it; he is now doing, doing,
3 doing and not speaking much. He used to speak on
4 this channel, but when he mobilized, that was it.
5 His actions beat his words, and now his actions
6 still beat his words. What should I say about
7 myself, and what would you say about yourself? What
8 do I say about myself? I judge myself: Am I a
9 hypocrite, am I one of those where God assigned unto
10 my heart to be amongst those who lag behind? Does
11 God hate my going? We perceive that I am not that
12 ... that I am not that, and neither would you be.
13 We perceive that God, I mean, will facilitate the
14 time God, glorified and exalted be He, sees
15 appropriate for you to say to you; mobilize and
16 fight for my cause and be supporters of God."

17 What does it mean to you here when he's talking
18 about not being a hypocrite?

19 A. He's mobilizing, means moving from talk to
20 action. What he's saying is that he used to talk to
21 one person and had these long conversations, and
22 this person put his money where his mouth is; he
23 actually mobilized and did something.

24 And what he's then saying -- and this is, I
25 would say, quite standard recruitment incitement

1 technique, in a sense that he's acting in sort of
2 modesty, where he's saying, I'm not worth it. I'm
3 not as good as these other brothers who mobilized.
4 I'm all talk. And how about you? Why are we all
5 talk and we're basically hypocrites because we're
6 not acting.

7 So as much as he acknowledges the importance of
8 the platforms, the platforms are propaedeutic; they
9 are the first step of what is really important,
10 which is mobilization.

11 Q. What about the lines, "I mean, God will
12 facilitate the time" -- it says, "I mean, will
13 facilitate the time God." What does that mean to
14 you?

15 A. Well, obviously, everything is perceived to be
16 in God's hands, and it's God that will dictate the
17 right time for when people mobilize. But of course
18 there's a balance between what God decides, but also
19 it's up to the individual to make the decision.

20 Q. And I point you, then, to line 25 on the same
21 page. Again, the defendant:

22 "Some are businessmen. I mean, there was one
23 whose social status was great, glory be to God,
24 excellent, had everything from the world's goods;
25 money, wife, and has the offspring, he had

1 everything, and a profitable business, he had
2 everything. He could have said, that's it, I will
3 help the orphans and build mosques."

4 And then it skips a couple of lines, saying he
5 went to mobilize.

6 What is the importance of leaving behind sort
7 of what he was referring to as everything, a
8 business, wife, worldly goods?

9 A. Yeah. There's this deep belief in sort of the
10 jihadist community that worldly possessions and
11 even, you know, family life and everything,
12 everything is less important than fighting jihad.
13 There is nothing in this world that is as important
14 as fighting for God and dying for God. So the
15 brother should leave behind whatever their life is,
16 even if it's successful and happy and they have a
17 good business, a good family life, that should be
18 left behind to fight jihad. That's a very common
19 belief.

20 Q. I will point you, then, to line 14 where it
21 continues:

22 "Yes, honorable brothers, we incite you to go,
23 especially those who are near the areas of the
24 Islamic State. I am thousands of miles away from
25 the Islamic State. But, those brothers who are

1 close to the areas, to the areas by the Caliphate,
2 the authority of the Caliphate, we incite and plead
3 with you to mobilize for the sake of the God,
4 glorified and exalted be He."

5 What kind of impact does this have?

6 A. I would say this is quite, quite powerful. It
7 comes at the end of the whole speech, where
8 basically calls hypocrites, which is a big insult in
9 sort of jihadist culture, for not doing, not acting
10 and just being all talk, and here it's sort of the
11 conclusion of that speech. It's very rhetorical, if
12 you will, which is, we openly incite you, join the
13 Caliphate. It's your duty. Leave behind your
14 worldly possessions. Don't be a hypocrite, because
15 that's a major sin in Islam. Go and join ISIS.
16 That's pretty straightforward.

17 Q. Now, I turn to you Government's Exhibit 136
18 with corresponding audio, 135.

19 And the date on this -- 136?

20 A. Yes.

21 Q. And the date on this is May 3rd, 2016. And
22 this is an unknown male. States:

23 "Brother this channel is not for fatwas. This
24 channel is to communicate with the Islamic State."

25 What is a fatwa again?

1 A. Fatwa is a religious decree.

2 Q. And does it mean to you, "This channel is to
3 communicate with the Islamic State," does that have
4 any significance to you?

5 A. I would interpret this as saying this channel
6 is not for deep and long-winded theological debates,
7 it's to actually talk to the Islamic State.

8 Q. And I will now ask that you turn to
9 Government's Exhibit 132 -- 132, with corresponding
10 audio, 131.

11 MS. MEEKS: The date on this, Your Honor,
12 is October 21st, 2016.

13 THE COURT: All right.

14 MS. MEEKS: And the participant is
15 Ibn Dawla.

16 Q. (By Ms. Meeks) For this I just point you to
17 line 15, where he says:

18 "As for those who want to create discord, we
19 tell them this is the wrong channel. We do know one
20 another, right or not? We know each other well. So
21 take the mic and tell me why did you enter this
22 channel? Did you go on this channel for the subject
23 specifically or for something else? I mean, the
24 subject you entered for must be more important than
25 to talk about this subject. Go ahead and take the

1 mic."

2 What does this mean, especially about discord?

3 A. Discord, I assume it's, again, an Arabic
4 concept with the fitna, F-I-T-N-A, which is
5 basically lack of consensus, sort of chaos. And the
6 idea here is, this is not a channel to question
7 ISIS, this is not a channel to have conversations
8 about its merits, this is for supporters. So we are
9 not here to discuss the pros and cons of it. We are
10 supporters, basically.

11 Q. So in what ways, based on what you have seen in
12 the transcripts, would this channel be a benefit to
13 ISIS?

14 A. On many levels I would say. It reinforces the
15 belief -- I mean, people here tend to be already
16 supporters. This is not a channel for people who
17 are remotely interested, have some curiosity for the
18 group. This is for people who are to -- supporters
19 of the group already. It can be more or less
20 enmeshed in it, but for people who have a fairly
21 high degree of belief in the group's message.

22 It helps reinforce it. It helps these
23 individuals feel like they belong to a community
24 that could work for any kind of online chat, but
25 obviously on any topic. And additionally, it gives

1 them access to people who are part of the Islamic
2 State, who are physically part of it. It allows
3 them to communicate with individuals who can
4 facilitate their recruitment by the group. That's
5 the two bonuses that come with it.

6 Q. Now I request that you turn to Government's
7 Exhibit 140, the corresponding audio of 139.

8 140, and the date on this September 19, 2016.
9 The participant is Said Rahim.

10 And actually specifically turn to page 2, and
11 starting on line 20:

12 "Latelty, I mean, two knights ascended and
13 disembarked, two leaders, matchless leaders, great
14 leaders, leaders of Loyalty and Disavowel,
15 al-Shishani and al-'Adnani. We ask God to accept
16 them both, both of them. They faced their death,
17 one of them in the battles of Sharqat, God knows,
18 and the second in Aleppo as he was checking on his
19 soldiers. We are talking about al-'Adnani in a raid
20 by the Cross, so praise be to God."

21 What is he talking about here with al-Shishani
22 and al-'Adnani?

23 A. He's talking about two of the most prominent
24 leaders of ISIS who were killed, both of them. So
25 he's praising them highly and discussing their

1 martyrdom.

2 Q. What was their significance with ISIS?

3 A. 'Adnani was de facto number two of ISIS and the
4 main spokesperson, the one who ran external
5 operations for ISIS and the one who called for
6 attacks in the West. That was one of his main
7 roles.

8 Shishani was arguably the best commander on the
9 ground; was a foreign fighter, was of Chechen
10 background and was a very skilled commander and
11 managed to become sort of a hero for ISIS supporters
12 worldwide because of his skills and courage on the
13 battlefield.

14 Q. Turn to page -- same exhibit, Government's
15 Exhibit 140, but page 4 towards the bottom of the
16 page, line 25:

17 "Attack them; disperse them, for this is the
18 chance! There you see the infidel unite against us,
19 so come on, unite and support one another to fight
20 these. Come on and let us be one hand. Come on,
21 let us fulfill the conditions of faith, complete the
22 requirements of fate and jihad for the cause of God.
23 We ask God, glorified and exalted be He, to open
24 your hearts and that you mobilize to the land of the
25 Islamic State. Or, if you are in infidel countries,

1 that you become a lone wolf, a real lion in the area
2 you live. As our sheikh al-'Adnani said, kill and
3 do not consult anyone and do not seek anyone's
4 fatwa. Yes, descend on the armies of the cross and
5 kill them, because the origin about the infidel's
6 blood is that it is to be shed and it is
7 permissible."

8 What is he referencing here as, "our sheikh,
9 al-'Adnani said"?

10 A. It is a famous speech that 'Adnani, who is the
11 spokesperson of ISIS gave in September 2014 where it
12 called for attacks, and it was the first of a long
13 series of speeches where it called for attacks on
14 infidels, on non-Muslims, Christians in particular.

15 And the idea is that what 'Adnani stated and
16 what the defendant is repeating here is that there's
17 no need for fatwas, for religious decrees. There's
18 no need for sophisticated mechanisms behind it, just
19 go and kill. Kill them wherever they are with
20 whatever tools you have. And what it says there
21 is -- it's at the very beginning of page 5: "Let us
22 fulfill the conditions of faith, complete the
23 requirements of faith," meaning that it's a
24 God-mandated duty. In order to be a true Muslim, a
25 good Muslim, you have to kill infidels. It's

1 mandated.

2 Q. And he mentions the lone wolf in regards to
3 'Adnani as well.

4 Explain to us how 'Adnani's speech opened up
5 the recruitment tool for ISIS?

6 THE COURT: How whose speech?

7 MS. MEEKS: 'Adnani, Your Honor.

8 A. The way -- ISIS was always, from the beginning,
9 before 2014, fairly open in the way that it accepted
10 new members compared to other groups. But
11 particularly after the speech that 'Adnani gave, the
12 bar was set even lower, meaning that the message
13 that 'Adnani put out is that anybody who carries out
14 an attack on behalf of ISIS is basically an ISIS
15 member. Even if that person has never traveled to
16 Syria and Iraq, has never met an ISIS member, never
17 interacted with an ISIS member, if in his heart he
18 wants to be an ISIS member and if his actions
19 reflect that, he kills infidels, basically he's a
20 member of ISIS. That has been the model of many of
21 the attacks we have seen in the West. So
22 individuals who have no formal affiliation
23 whatsoever to ISIS carry out the attack as a lone
24 wolf -- that's a term that is often used --
25 independently, complete operational independence.

1 But ISIS, posthumously, after the fact, accepts them
2 as members, as soldiers of ISIS. So ISIS would put
3 out a press release saying, the soldier of the
4 Caliphate -- meaning the ISIS member -- so-and-so
5 carried out the glorious operation, so on and so
6 forth.

7 So in a way, ISIS members should become
8 something very open. The bar, as I said, is set
9 very low. Anybody that acts to further ISIS's
10 agenda is a member of ISIS.

11 Q. Now, if you could turn to Government's Exhibit
12 172, corresponding audio 171. 172, the date is
13 September 22nd, 2016. The participants are the
14 defendant, Said Rahim, Ibn-Dawla, and then another
15 person with the moniker, Abo-Malek1992.

16 I would ask you to turn to page 2, if I could
17 direct you to turn to page 2 of that exhibit, line
18 13, starting with the ID, Ibn-Dawla, saying:

19 "You lost the mic brother Angousha. You told
20 the truth had this -- I mean, had this religion not
21 been an ideology, it would have been that when the
22 Prophet, God's peace and blessings be upon him,
23 died, Islam would have ended. But Islam is an
24 ideology, and it is not related to persons, but,
25 glorified and sublime be God, it relates to God

1 Glorified and Sublime be He. Go on, continue, you
2 lost the mic."

3 In terms of this discussion about an ideology,
4 why is that important?

5 A. What he's saying is that even those certain
6 members of ISIS died, specifically 'Adnani, the
7 message is still there, the ideology is still there.
8 Everybody should pick up what -- what jihadists
9 would call the banner of jihad and fight. So it's
10 not about affiliation, not about specific
11 individuals, it's about an ideology that anybody
12 anywhere can adopt.

13 Q. And it continues on line 22 with Defendant Said
14 Rahim:

15 "May God bless you, God bless you. Our
16 brothers, may God bless you and reward you with
17 goodness for listening. May God bless you all. We
18 do not deny that we love al-'Adnani. We love this
19 lion. We always waited for his words, but I mean do
20 we start with this martyrdom? No! No, I swear by
21 God."

22 Does the defendant frequently discuss
23 al-'Adnani in these transcripts?

24 A. Yes, very frequently.

25 Q. And does this -- is this also -- would you

1 describe -- does it relate to an importance of
2 carrying on -- you had mentioned that ISIS was
3 losing territory at some point. Does this help
4 support ISIS being relevant even without territory?

5 A. Yes, that is exactly the strategy behind ISIS
6 in 2015, 2016, as they start to go on the decline.
7 The idea is that anybody can pick up the banner and
8 fight. Take the fight to the enemy. It doesn't
9 need to be in a structured way, but anybody can do
10 it. And again, if people die, first of all it's a
11 big honor to die in jihad. But the message goes on,
12 the mindset goes on, and the ideology goes on. So
13 it's not dependent on a specific individual.

14 Q. Now, I turn you to page 3, please, line 15.
15 Again, the defendant:

16 "This one, understand it: This man is going to
17 his death, done, so how do you stop him. This one
18 you cannot stop him unless you kill him. But Glory
19 be to God. God facilitates and respites to these
20 Inghimasi fighters so that they storm and leap over
21 those wicked hyenas and kill them. I, one of the
22 brothers told me Abu-al-Faruq, of course,
23 Abu-al-Faruq, the channel's Admin, he sent me some
24 pictures and sent some to the channel."

25 What is an Inghimasi fighter?

1 A. Inghimasi fighter is somebody who goes to a
2 mission -- on a mission to kill as many enemies as
3 possible, and it's a mission that is clearly going
4 to lead to his death. So it's not like a suicide
5 bomber where death is immediate, but it's basically
6 the next thing, somebody goes, let's say, with a
7 weapon, kills as many people as possible, but it's
8 clear that the outcome is going to be death.

9 Q. Can you now turn to Government's Exhibit 222,
10 with corresponding audio 221.

11 The date on 222, is May 31, 2016. The
12 participants are Said Rahim and three unknown males.
13 Starting on line 9 with Unknown Male:

14 "Oh, Islam, we are all willing to sacrifice for
15 you."

16 Unknown Male 1 continues:

17 "Peace be upon you so with the mercy and
18 blessings of God. Brothers: What...what is the
19 legality of jihad in the land of the Caliphate
20 State? May God reward you."

21 What is -- Dr. Vidino, what does it mean,
22 "legality of jihad"?

23 A. The concept "legal" is very important.
24 Everything that ISIS does has to be approved by --
25 under Shari'a, under, of course, their own

1 interpretation of Shari'a, which is fringe. But
2 they have their own jurisprudence on a lot of terms,
3 on the concept of jihad. When is it legal to fight
4 jihad? When can you attack the enemy? When can you
5 kill the enemy? Who is the enemy, and all these
6 things.

7 So somebody is asking, what are the legal
8 parameters of fighting jihad. It's a very normal
9 question. But people who are sympathizers of a
10 group and not necessarily extremely knowledgeable
11 about it ask whether their behavior is compatible
12 with Islamic law.

13 Q. And then on line 15, the defendant responds:

14 "You said in the land of the Caliphate. It is
15 a land where the Shari'a of glorified and exalted
16 God rules. It is a land hounded by all nations of
17 disbelief and all the powers of polytheism,
18 atheists, seculars, Jews, and Christians to try to
19 break this religion. Yes, this is what the Caliph
20 and the official spokesman said, he mobilized
21 people. This is what the soldiers of the Caliphate
22 State say when we talk to them, that they mobilize
23 people, not for a small number, but to attain this
24 honor. This honor is not attained except by those
25 whom God wills to honor and bless them with: To

1 become a jihadist with God."

2 There's a lot there, but can you explain what
3 this means, "the nations of disbelief and all the
4 powers of polytheism, atheists, seculars, Jews, and
5 Christians"?

6 A. It encapsulates ISIS worldview, which is only
7 ISIS members and supporters are true Muslims, and
8 they are building the real Islamic society, the real
9 Islamic State ruled by Shari'a, by Islamic law. So
10 there is this sort of giant conspiracy against them,
11 and these are some of the enemies that they see. So
12 polytheism, which we discussed earlier; atheists,
13 which don't believe in God; seculars; Jews;
14 Christians; everybody that, according to their
15 worldview, tries to attack true Islam and attack the
16 Caliphate.

17 Q. Continuing on the second page, line 1,
18 continuing with the defendant's statement:

19 "Jihad is an individual duty, it, jihad is now
20 an individual duty, a duty, a mandate to defend or
21 to raise the banner of 'There is no other God but
22 Allah, the One and Only.' This is not just in the
23 Caliphate land, but in every place where an
24 unbelieving atheist exists, jihad is a duty. In any
25 area where Christians exist, they are legal targets,

1 or a Jew or atheist, or crusader, or where a
2 Christian missionary preacher is, not a missionary,
3 but someone who converts people to Christianity.
4 All those are legal targets of the Islamic Caliphate
5 State."

6 What is the importance of specifying a legal
7 target?

8 A. Again, everything that ISIS does, from the
9 tiniest thing to biggest thing, which is killing
10 people, has to be justified under Islamic law.
11 That's how the group operates. Because they claim
12 to hold Islam in its highest esteem, and everything
13 needs to be done according to the parameters of
14 Islamic law.

15 So what the defendant here is doing is de facto
16 issuing a religious degree, a fatwa, where he is
17 saying what is legal and what is not legal. You
18 have other people on the chat room, on the channel,
19 asking him for an opinion, and he's basically saying
20 these are the legal targets, this is what is legal,
21 this is what is not legal.

22 Q. Continuing on line 13 with the Unknown Male 1:

23 "May God reward you with all goodness to your
24 brother. Brother, I have another question: What is
25 the legality of pledging allegiance to the Emir of

1 Believers in the land of the Caliphate, is it an
2 individual or collective duty?"

3 To which the defendant responds:

4 "But there is an Emir of Believers, and the
5 pledge to him is a must, and the pledge is
6 obligatory to the Emir of the Believers. Pledge, I
7 do not know where you are. And if you can immigrate
8 to that land, then go, immigrate and pledge. Er,
9 the brothers beat you from Caucasia and crossed
10 thousands of miles, and now they are in the land of
11 the Caliphate. So I mean, pledge, because the
12 pledge is obligatory."

13 What is the legality of this pledge they are
14 discussing?

15 A. Again, exactly like he did for jihad earlier,
16 he's issuing a decree, saying what is legal, what
17 is -- and by "legal," we mean permissible under
18 Islam or, more specifically, what is obligatory
19 under Islam. What he's saying is that giving the --
20 pledging allegiance to Baghdadi, to the head of
21 ISIS, to the Caliph, is something obligatory at the
22 individual level; that every Muslim should be
23 pledging allegiance to the head of ISIS.

24 Q. And is that what Emir of the Believers
25 represents?

1 A. Emir of the Believers means -- Emir means head,
2 chief of the believers of the Muslims. And again,
3 from an ISIS supporter's point of view, that means
4 the head of ISIS who calls himself the Caliph;
5 nobody else does.

6 Q. Does this type of legal advice further the ISIS
7 mission?

8 A. Very much so, because it legitimizes what the
9 group does.

10 Q. Can I direct you now to Government's Exhibit
11 214, with corresponding audio 213. The date on
12 Government's Exhibit 214 is October 7th, 2016. The
13 participants are Said Rahim, a user by the name of
14 Abdul zuuuuz and an unknown male.

15 Starting on line 8 with the user AZ:

16 "May God reward you with goodness, may God
17 reward with you goodness. May God reward you, God
18 willing, glorified and sublime be He. But, sheikh,
19 you, it is true, I mean, for the sake of the woman
20 and two kids. I hope to conquer this thing, and
21 I...willpower, I must have an excess of willpower.
22 By God, the times I watch the video and chants
23 thrills me and instigates me more to wage jihad. I
24 swear by God and by God's will, I beseech God, that
25 my destiny be in those lands there."

1 Is this -- what is he talking about? What is
2 the importance of videos and propaganda? And how do
3 you see that reflected here?

4 A. Textbook example of the power of propaganda.
5 This is somebody who -- well, first of all,
6 referring to the defendant as "sheikh," the honorary
7 title who you give to somebody whose wisdom you
8 trust, clearly says that the ISIS propaganda, he's
9 been watching the videos, the chants, they instigate
10 me, they push me, they motivate me. And clearly
11 this is somebody who was a consumer of propaganda
12 and bad propaganda is pushing him to mobilize and
13 wage jihad and move him from talk to action.

14 Q. I will ask you to turn on the same exhibit to
15 page 4. So Government's Exhibit 214, page 4,
16 starting on line 9. This is the defendant speaking:

17 "All right. What is the text of the pledge?
18 The text is: 'We pledge allegiance to the Emir of
19 Believers, Abu-Bakr al-Baghdadi, to hear and obey,
20 in times of difficulty and comfort, in hardship and
21 ease, and to endure being discriminated against, and
22 not to dispute about rule with those in power,
23 except in the case of clear signs of disbelief,
24 which there is a proof about it from Allah.'"

25 What is this pledge here? What does that mean

1 to you?

2 A. This is one of the ways in which one pledges
3 allegiance to ISIS.

4 Q. Is it also known as Ba'yat?

5 A. Ba'yat, yeah, in Arabic.

6 Q. Can I ask you to turn to Government's Exhibit
7 128.

8 128 is dated April 23rd, 2016, and the
9 participants are Ibn Dawla and an unknown male. In
10 this case, the unknown male is asking on line 7:

11 "Peace be upon you brothers. I have a friend
12 who is present in European countries, and he wants
13 to pledge allegiance to the Islamic State. What is
14 the first thing that needs to be done? Peace be
15 unto you brothers; may I ask a question? Honorable
16 brother, by God, I have a friend present in Europe,
17 and he wants to pledge allegiance to the Islamic
18 State. Can he pledge allegiance while he is in the
19 countries of Europe or when he comes or goes down to
20 Syria."

21 And then I would just skip ahead slightly to
22 page 2, if you could follow on line 11. And this is
23 the other unknown male -- or the unknown male,
24 rather:

25 "Dear brother, in about two or three months,

1 God willing, he will immigrate to Syria. But now
2 the opportunity is not -- or the opportunity is not
3 available now. He wants to pledge allegiance. So
4 can he now, while in the European countries, to
5 pledge allegiance or not?"

6 Ibn Dawla responds:

7 "Abu-Bakr, forgive me, by God, I did not meant
8 to. Take over, take over."

9 The unknown male says: "Don't worry, honorable
10 brother, don't worry. No problem, God willing, no
11 problem."

12 Then Ibn Dawla continues:

13 "As I told you brother, he can pledge
14 allegiance, he can pledge allegiance brother. We
15 all pledged, even though some of us are not in
16 Muslim countries. Pledge allegiance brother; tell
17 him to pledge allegiance and may God accept this
18 from him."

19 Why is this important to be discussing why
20 people are in Muslim countries to pledge allegiance?

21 A. Well, again, the idea is that -- the
22 conversation here is, how do you pledge allegiance
23 to the Islamic State, and can you do so even if you
24 are living very far away, in European countries and
25 Western countries and so on. And Ibn Dawla is sort

1 of giving explanation to the person who is asking
2 those questions, saying that is not a problem, it
3 can be done in any place. You can pledge allegiance
4 where you are.

5 Q. Next page, page 3, starting on line 4 --
6 actually starting on line one with the unknown male:

7 "Okay. So what is the thing he must do after
8 he pledges allegiance, or before he pledges
9 allegiance now?"

10 To which Ibn Dawla replies:

11 "Brother Abu-Qatadah, seems you did not
12 understand the brother. I mean, to begin with, he
13 has to know why he is pledging allegiance. If he
14 pledges allegiance, then it has to be to listen and
15 obey. If they say strike, then he strikes. If they
16 say come, he comes. And if they say do that, he
17 does. Because you pledge to listen and obey, you
18 pledge unto death, and fighting for the cause of God
19 wherever you are."

20 Now, what is the importance of what he is
21 saying here?

22 A. It tells the -- his interlocutor what the
23 consequences of pledging allegiance is, the
24 importance of it, and that basically once you pledge
25 allegiance, you blindly obey to the group.

1 Q. This is different from the statement that was
2 given earlier -- or that we read last time with an
3 actual pledge of certain words.

4 In your experience, is there more than one way
5 to pledge allegiance or to pledge Ba'yat?

6 A. Yes, very much so.

7 Q. And what do you find to be the most common
8 theme in them?

9 A. There's almost an individualized way of
10 pledging allegiance. We often see, for example,
11 when individuals carry out attacks, and then they
12 release a video that they have taken. They are a
13 very almost a personal individualized way of
14 pledging allegiance, because obviously you declare
15 your full faith and obedience in the Baghdadi, the
16 head of ISIS, but there are different wordings being
17 used.

18 Q. Can there be formal or informal process to it?

19 A. Yes.

20 Q. And is it necessary to pledge allegiance in
21 order to be a member of ISIS?

22 A. I would say there's this two-tier system, where
23 there's a formal way in which you pledge allegiance
24 and so on and so forth. But as we said earlier,
25 actions matter more than words. So if you do

1 something on behalf of ISIS and clearly state that
2 that is to further ISIS agenda, the formalities of
3 pledging become secondary.

4 Q. Is there any typical age that you see of people
5 who would either pledge or who would consider
6 themselves members of ISIS?

7 A. Generally people in -- I mean, there's all
8 kinds of groups. There's people in their early
9 teens, if not actually preteen, and people in their
10 50s and 60s are sort of the outliers. I would say
11 the majority are in their early- to mid-20s.

12 Q. Let me direct you now to Government's Exhibit
13 190, with corresponding audio, 189.

14 Government's Exhibit 190 is dated December 16,
15 2016, with a participant Rami Rhal and a participant
16 Said Rahim, the defendant.

17 Starting on line 7, the defendant is saying:

18 "Okay, greetings and may God bless you my
19 brother, may God bless you. By God, I mean you can
20 my dear brother...God's greetings and we thank, I
21 mean for the kind words. We do not look at your
22 age, may God bless you, whether you are eight years
23 old or four years or ten years; it does not matter,
24 rather what your creed down deep in your heart is,
25 the creed of al-Wala' wal-Bara'."

1 First, what does he appear to be talking about
2 here?

3 A. He's talking to somebody that seems to be of a
4 very young age. And what he's saying -- and I think
5 it's interesting that it says, "We do not look,"
6 which he does often, which shows he clearly
7 identifies with ISIS. We do not look at your age,
8 we do not look at your background, how young you
9 are, which is pretty much how ISIS has acted. ISIS
10 has accepted very, very -- some ISIS propaganda
11 videos show children who must be nine, ten, who are
12 fighting for the group.

13 Q. And do you know what the creed of al-Wala'
14 wal-Bara' means?

15 A. That is the expression we have used before but
16 not translated, which is loyalty and disavowel. It
17 is a doctrine that states that all loyalty should be
18 to Muslims and to non-Muslims, one should have only
19 hatred and disavowel. So we used it before, it's
20 used very often, just in most other transcripts it
21 was translated into English, but it was originally
22 in Arabic.

23 Q. Continuing on line 15, again, the defendant:

24 "Meaning, may God bless you, you can now, I
25 mean according to the area, to attack, I mean, as

1 the Emirs of the Islamic State and the official
2 spokesman of the Islamic State said, 'Be a lone
3 wolf,' if you are able to do something in Turkey, so
4 I mean attack the infidels and the apostates, the
5 Turks, the Turkish police; if you are able to kill
6 them, then do so. If you can burn their businesses
7 or burn their homes, I mean the government officials
8 and police cars, to kill police individuals. If you
9 can do that, then do it. If you cannot, then
10 immigrate to the Islamic State, immigrate to the
11 Islamic State and train there. And by the will of
12 God, the Lord of the Worlds, you will be, I mean,
13 you will be an active member that wages jihad
14 against the infidels. I do not know if you have
15 anything available to you, I mean, police or such,
16 attack and kill them, good riddance, good riddance!"

17 Does it appear he's still talking to the same
18 individual?

19 A. Yes. The same conversation, yes.

20 Q. Same conversation.

21 And what is he saying here?

22 A. It's basically highlighting what is the
23 two-prong course of action that ISIS has constantly
24 consistently put out. If you are an ISIS supporter,
25 whatever your degree of membership, whether you are

1 a formal member or not, you can do two things to
2 further ISIS' agenda. Either you migrate, you join
3 the group physically, you travel to territory where
4 ISIS operates and fight in jihad military, or you
5 stay where you are, but you carry out attacks. And
6 you pick your targets. In this case he's talking
7 about police, but you pick your targets, your
8 methods of attack, the way you see fit. Both
9 decisions, both choices further ISIS agenda.

10 Q. Even to -- for young people, even to children.

11 A. Yes. And we have seen cases of minors involved
12 in attacks. We have seen a case in Germany of a
13 12-year-old who built an explosive device that
14 almost went off in a Christmas market in Germany.

15 Q. Does the defendant often call for attacks
16 against Turkey?

17 A. Yeah, very commonly.

18 Q. Tell us about Turkey. Is it predominantly
19 Muslim?

20 A. Yes, 99 percent Muslim.

21 Q. What is it about Turkey that is important in
22 relation to ISIS?

23 A. Turkey had sort of a big change in policy when
24 it comes to ISIS. In the early days of the ISIS
25 mobilization of the Syrian conflicts of 2011, 2012,

1 2013, Turkey had, let's say, a lax migration policy.
2 Maybe it allowed a lot of people to go from Turkish
3 territory to Syria. And then with time, it changed
4 and reversed that policy and started cracking down
5 on ISIS networks. They were smuggling people from
6 Turkey to Syria and ISIS support networks throughout
7 Turkey. So that caused, of course, a lot of anger
8 within ISIS and a lot of retaliation. So we have
9 seen many attacks, planned or successfully carried
10 out by ISIS in Turkey over the last few years.

11 Q. Can I turn you now to page -- I'm sorry, to
12 Government's Exhibit 176, 176, with corresponding
13 audio 175.

14 And in this Government's Exhibit 176, the date
15 is December 16, 2016, and participant is Said Rahim.
16 Actually, turn to page 2, starting at line 10, the
17 defendant saying:

18 "So, I mean, I know there is a large number of
19 the brothers are present, I mean in the Syrian land.
20 In Turkey, I don't know, maybe there is a million, a
21 few million. Let's say there is a 100,000, 100,000.
22 I mean, if about 20- or 30,000 of those were lone
23 wolves -- and by the way, I am being modest with
24 numbers -- if there were 30,000 lone wolves, oh,
25 man, that is it. It will be raised. The call to

1 prayer will be at the forbearing mosques, and over
2 there the Caliphate banner will be raised. Attack
3 them. But we ask God for that, we ask God for
4 that."

5 And the next line he says:

6 "Take this matter seriously, and I mean not
7 jokingly."

8 How do you interpret this?

9 A. He's basically saying that there is a large
10 presence of ISIS supporters in Turkey. When he
11 talks about brothers, that means ISIS supporters.
12 He guesstimates the numbers, but it's an imaginative
13 20- to 30,000 lone wolves, so individuals that carry
14 out attacks independently, were to do so, were to
15 carry out attacks. So imagine what kind of upheaval
16 that would cause in Turkey, and the banner of the
17 Caliphate would be raised. So basically Turkey
18 would be defeated, would be conquered and would
19 become part of the Caliphate.

20 The Caliphate has always been that of
21 expanding. ISIS always saw the territory occupied
22 as Syria and Iraq as the starting point of the much
23 larger conquerors. So imagine if we had 20-, 30,000
24 terrorist attacks in Turkey carried out by lone
25 wolves, that would lead to the conquest of Turkey to

1 the Caliphate.

2 Q. And do you interpret this to be a matter to be
3 taken seriously? What does that mean to you?

4 A. It openly calls for attacks in Turkey.

5 Q. Can I now ask you to turn to Government's
6 Exhibit 182? 182. The date on this is July 15th,
7 2016. The participant is Said Rahim. And actually
8 on 182, please turn to page 7, starting on line 5.
9 The defendant saying:

10 "Okay. What did al-'Adnani say? His words has
11 a huge impact, by God's grace, and very, very, very
12 good effect. Every monotheist Muslim who kills
13 those unbelievers is a good deed and a reward
14 according to our sheikh al-'Adnani. And more, call
15 it what you want from God, may he be glorified and
16 exalted. Because, I mean, we remember when he said:
17 'Kill and do not consult anyone and don't ask for
18 any fatwa, er, kill him by any means. Smash his
19 head on the wall, spit in his face, burn his plant,
20 I mean anything, anything; poison him, anything.
21 Praise be to God, the Lord of the Worlds. This
22 person who carried out this operation, I mean this
23 is a truck. The truck is not a car. The truck, our
24 brothers, is very huge. I mean it weighs tons. It
25 weighs hundreds of tons. And if it was on a

1 specific speed, I mean a high speed, then glory be
2 to God this one, glory be to God. God blessed this
3 operation."

4 Do you know what he's referring to here?

5 A. He is referring to the terrorist attack that
6 took place in Nice, France, the day before.

7 Q. What does he mean by 'Adnani -- what do you
8 interpret it to mean by when he says 'Adnani's words
9 had a huge impact?

10 A. 'Adnani, starting September of 2014, but
11 repeatedly issued calls, very public calls to all
12 ISIS supporters to carry out attacks, to take
13 matters in their own hands and carry out attacks
14 independently. And some of the language here is
15 very much the language originally used by 'Adnani
16 which is, take any tool you have, a car, a truck, a
17 knife, a weapon, poison, punch them, carry it
18 wherever you find the enemy, which is in infidel
19 territory everywhere, kill them, no matter how, no
20 matter where you do it. That's very much the
21 language and clearly here is talking about the
22 truck, the attack with the truck. That's the day
23 after Nice.

24 Q. Can you please turn to Government's Exhibit 208
25 with corresponding audio, 207.

1 The date on 208 is September 24th, 2016. The
2 participants are Said Rahim and the user aaaa100.

3 Please turn to page 2 of Government's Exhibit
4 208, starting at line 2 with user aa:

5 "May God reward you my brother. I am listening
6 to your wonderful talking. God bless you."

7 To which the defendant says:

8 "May God bless you. May God reward you with
9 goodness. We ask God that these words I mean enter
10 your hearts and be beneficial by the will of God
11 that these words will be beneficial. May God bless
12 you.

13 "And as we said, we, by the favor of God,
14 glorified and exalted be He, are the supporters, and
15 by the will of God to be suicidal projects and
16 jihadists for the cause of God, er, when er, I mean
17 God facilitates the way for us. I mean, be
18 acknowledged my dear brothers, do not take lightly
19 these channels, do not take lightly these channels
20 and the programs we support on Zello and Paltalk.
21 How many brothers mobilized? How many brothers
22 mobilized with the grace of God?"

23 What is he talking about here?

24 A. He's talking about the importance of platforms,
25 like Zello, Paltalk and Twitter in solidifying the

1 adherence to ISIS message by -- by people on those
2 platforms; how everybody is sort of a suicidal
3 project, aspiring jihadists for the cause of God,
4 and that the conversations, the communications and
5 the contacts on those platforms help creating actual
6 soldiers of the Caliphate.

7 Q. Can you please turn to Government's Exhibit
8 140.

9 On page -- Government's Exhibit 140 is
10 September 19, 2016. Participants Said Rahim. On
11 page 2, line 9, the defendant stated:

12 "How many of the brothers in this channel are
13 martyrs? We believe them to be so, and God is their
14 witness...Martyrs, they are martyrs; they were here
15 and they mobilized to the Caliphate country and
16 pledged allegiance to listen to and to obey the
17 Qurayshi, the Emir of the believers, Abu-Bakr
18 al-Baghdadi. They pledged allegiance to him and
19 became the best soldiers to the best state."

20 Again how do you interpret this?

21 A. This is probably a very open way of saying that
22 many of the brothers who are on this channel, on
23 Zello, on the specific channel on Zello, moved
24 from -- again, just speaking to actions. So we
25 became martyrs. We joined the Caliphate, became

1 martyrs. They died while fighting for ISIS. And
2 after pledging allegiance to Abu-Bakr al-Baghdadi,
3 Qurayshi is the name of the tribe to which the
4 prophet Mohammed belonged to and to which he claimed
5 to be a member of. So people on this channel, they
6 mobilized, they died.

7 Q. Can you now turn to Government's Exhibit 160,
8 please. Government's Exhibit 160, with
9 corresponding audio, 159, dated August 16th, 2016.
10 The participants are Said Rahim and an unknown male.

11 Starting on line 7 with the unknown male:

12 "Praise be to God. Blessed be to God. Praise
13 be to God. Blessed be to God. This is elating
14 news, Angousha, that there are brothers from the
15 room who have mobilized, and I mean arrived.
16 Paltalk. I left Paltalk. Paltalk has a lot of
17 problems you, er, I mean, you are aware of such. So
18 for this reason I left it. Abu-'Abd-al-Raham
19 al-Jazrawi, I hope by the will of God that he
20 mobilized and arrived to --"

21 And the defendant interrupts, saying: "No, no,
22 no, no, no. No. Not like that, and then I told you
23 on the private, I mean, I will tell you who. No,
24 no, Abu-Uways is a long time ago, too. He last
25 entered a few months ago."

1 What does this mean, "on the private"?

2 A. On the private means on the one-on-one
3 conversations. A lot of communications among
4 jihadists, ISIS supporters, have been on two levels
5 online. One is more public settings like this. But
6 when the setting becomes more operational, they move
7 to a private setting because they are aware that law
8 enforcement might be monitoring those conversations.
9 So they move it from where it's fairly easy for law
10 enforcement to detect the conversation, to a private
11 setting where they think they cannot be detected.

12 Q. Is that common behavior that you see?

13 A. Very common. Most people in the space would
14 have a variety of accounts on different platforms.
15 And again, operate on the more public ones in a
16 fairly open way, because that's where you need to
17 operate to recruit new people, to interact with new
18 people. But once you have established a trust-based
19 relationship with your interlocutor, you are going
20 to move to places like Snapchat or different other
21 platforms where there is a high level of encryption
22 and it's more difficult for law enforcement to
23 monitor the conversation; very common.

24 Q. Can I now point you to page 2 of the same
25 exhibit, Government 160, line 6. This is, again,

1 the defendant speaking, saying:

2 "There are brothers that mobilized...there are
3 brothers that were on our side in the West Bank that
4 mobilized, one of them mobilized, praise be to God.
5 There is one from the land of the two Holy sites
6 mobilized a while ago, too. By God, those are good
7 brothers and mobilized, I mean mobilized, and the
8 reason behind it was the channel, I mean praise be
9 to God. Some...by the grace of Almighty God of
10 course, the channel, those who mobilized did so
11 because of the channel, that is what I mean."

12 First, can you tell us what he means by West
13 Bank and the two Holy sites?

14 A. The West Bank is Palestinian territories west
15 of the River Jordan, so Jenin, Guatemala, part of
16 the Palestinian territories, the West Bank.

17 And the land -- I'm sorry, and the land of the
18 two holy sites are in Saudi Arabia. The two holy
19 sites in Islam are Mecca and Medina. Both cities
20 are in Saudi Arabia. So it's a way of saying Saudi
21 Arabia. So basically here, it means it was two
22 individuals, one from Palestinian territories and
23 one from Saudi.

24 Q. Would those also be considered foreign
25 fighters, what you were talking about earlier?

1 A. Yes. They are not from Syria and Iraq, so they
2 are foreign fighters, yes.

3 Q. Do foreign fighters -- do you ever see, in your
4 experience, foreign fighters go the battlefields and
5 then return to their homeland later?

6 A. Yes, that happens.

7 Q. What is -- what is the result of that -- or
8 rather, why -- why would a person travel to -- to
9 commit jihad or to fight on the battlefield and then
10 return to their homeland?

11 A. Different reasons. Every case is different. I
12 mean, people go and fight to help the cause, of
13 course. And then whether it's personal reasons,
14 that conflict is over or, you know, the person no
15 longer wants to participate in that conflict or he
16 thinks that he can carry out a mission somewhere
17 else. So there are different reasons people go
18 back.

19 Q. Will they typically become more radicalized
20 while in the Caliphate lands?

21 A. Again, every case is different. But generally
22 speaking, yes, of course, big and better
23 environment; fighting surrounded by like-minded
24 individuals; generally that mindset. You have cases
25 of people who actually abandon the mindset after

1 that experience, they become very disenchanted with
2 it. But in most cases, yes, it enforces the
3 allegiance to the group.

4 Q. Please turn to Government's Exhibit 152; 152 of
5 corresponding audio 151. Government's Exhibit 152.
6 The date is August 17th, 2016, and the participant
7 is Said Rahim.

8 Please turn to page 2, starting on line 15:

9 "This is the pathway. So brothers, where are
10 the men! Where are the men! Where are those who
11 gave Almighty God the pledge of death! Where are
12 those who will respond to the one calling for jihad!
13 Come to jihad. Where are you men? Where are you?
14 Days and years keep passing and time is running out
15 quicker than lightning. Jihad has been there for
16 many, many years. Some mobilized and some stayed
17 behind. Er, brothers are trying, and we perceive
18 you to be from those who try to mobilize to jihad
19 for the cause of God."

20 Would you consider this to be recruitment for
21 ISIS?

22 A. Yeah, very much so. I think he's striking a
23 cord. Basically what he's appealing to is sort
24 of -- almost making fun of people, egging on people
25 who haven't mobilized. Where are the men? Where

1 are the men? It's appealing to that sense of
2 manhood, if you will. You have to stop just
3 talking, and you have to mobilize.

4 It's -- again, there's different tactics to
5 radicalize and recruit and push the mobilization of
6 individuals. There's at times a softer approach, at
7 times the more explaining things, and at times
8 there's almost the egging on, almost making fun of,
9 where are the men?

10 Q. So can you please turn to page 3 of the same
11 exhibit, line 6.

12 The defendant continues:

13 "Where are those who rolled or will roll their
14 sleeves or those who will throw themselves! Where
15 are those who tied or will tie the red headband on
16 their foreheads, the death headband! Where are you?
17 Where you are? 'Verily those who plight their
18 fealty to thee do no less than plight their fealty
19 to Allah: The hand of Allah is over their hands...'
20 Give pledge of allegiance to God so you could
21 witness the blessing -- so you could witness the
22 blessing of jihad for the cause of God, glorified
23 and exalted be He. Where are you men? We heard the
24 screams of our sisters, in the West and the East.
25 We heard the calls for help of the children. Yes,

1 we saw the houses...we saw bodies as they burn and
2 houses being destroyed. We saw Quran being burned.
3 So where you are men of Quran! 'Go ye forth,
4 whether equipped lightly or heavily, and strive and
5 struggle...in the cause of Allah,' before that day
6 comes where you may deeply regret it brothers. Our
7 brothers, and we specify those brothers that are
8 close, the close ones that are only centimeters away
9 from the Caliphate Islamic land. Brothers! What
10 are you waiting for? What are you waiting for?"

11 Does this fit within the techniques used by
12 ISIS to motivate new recruits?

13 A. Yeah, very much so, like the above. It's
14 pushing people to go trying -- first of all, using
15 certain imagery of the suffering of Muslim
16 population in Syria and Iraq, the children, the
17 house being burned, the Quran being desecrated.
18 Those are very common motivational tactics used by
19 recruiters, you know, trying to motivate people in
20 that way. And then again it reverts to the sort of
21 the approach, where are the men, the men of the
22 Quran, sort of egging on. And as you are referring
23 specifically to people who are close to the land of
24 the Caliphate, so those in the region.

25 Q. Would that also include the region of the

1 Levant that we saw a map of earlier?

2 A. Yes.

3 Q. Please turn to Government's Exhibit 194; 194,
4 with corresponding audio 193. The date on this is
5 December 19th, 2016. The participant is Said Rahim
6 and another participant with the shorthand AE.

7 Please turn to the bottom of the page of 1 on
8 line 28, where the defendant is saying:

9 "So when will you rise up? When will you rise
10 up? I mean, attack the policemen with shoes,
11 slippers and stones. Do anything, but do not stand
12 idle doing nothing. I mean, you are being consumed,
13 for here come the Magi. I mean they expropriated
14 your homes and lands. So rise up, rise up! I mean
15 there are many millions in Turkey, so rise up. I
16 mean, what are you waiting for? Here we appeal to
17 the brothers in al-Sham land that are present
18 currently in Turkey; we appeal to them to attack the
19 false leaders, members, government establishments,
20 airline companies, police stations, government
21 centers, movie theaters and tourism places, attack
22 them. Set fire to Turkey. Damn Erdogan, damn the
23 infidel."

24 Can you tell us who Erdogan is?

25 A. President of Turkey.

1 Q. It continues:

2 "I mean, they sold you. 'Allush sold you out
3 and this...Erdogan sold you out, he sold you out.
4 So when will you stab him with a dagger as he
5 stabbed you? God is the one sought for help. I
6 mean, God willing, I would find listening ears. I
7 mean, we addressed the appeal days ago in the Arabic
8 language, so I mean in the Arabic language so the
9 Arabs who would understand the Quran language would
10 respond, but only one of the Turkish brothers
11 responded; there is no power and no might except by
12 God. What are you waiting for?"

13 "I would find listening ears," what does that
14 mean to you?

15 A. He is making repeated appeals to mostly Arabs,
16 ISIS supporters living in Turkey, to carry out
17 attacks to rise up against Turkey, particularly
18 trying to mobilize the Syrian refugee community,
19 which is very large, that exists in neighboring
20 Turkey, to rise up against the government and carry
21 out attacks and so on.

22 Q. And on the next page, the user AE responds on
23 line 5, page 3:

24 "Peace be upon you with the mercies and
25 blessings of God. May God grant you long life

1 Angousha. May God bless you; what you say is
2 correct."

3 What's the importance of a response like that?

4 A. It creates a sense of community. This is not
5 a -- the channel here is not a place for dissent.
6 People agree, creates a cohesive community there,
7 and it reinforces the belief of everybody. So the
8 defendant is often the one making the longest
9 speeches and the one sort of pushing the envelope,
10 and everybody else in the community agrees, praises
11 him and looks up to him. That's sort of the normal
12 dynamic here.

13 Q. And do you see that several times throughout
14 the transcripts that you have reviewed?

15 A. Consistently.

16 Q. Can you please turn to Government Exhibit 122,
17 the date on the corresponding audio 121. The date
18 is September 19th, 2016. The participants are Said
19 Rahim, a user Hammudi44, and a participant
20 Ibn Dawla.

21 Starting on line 8 with the defendant:

22 "Okay, peace be upon you, greetings from God.
23 I mean it seems like this person is a neighbor of
24 mine, but I don't know...are you from the 48 region"

25 What does that mean, 48 region?

1 A. It refers here to the war of 1948, when the
2 state of Israel was created. And the -- so the 48
3 region would be the region of Palestine that has
4 become Israel.

5 Q. So he continues:

6 "You, the user who wrote that you speak Hebrew
7 and Arabic, are you from the regions of Hamas, Gaza
8 or from the West Bank regions of 'Abbas? You don't
9 have to be specific exactly, but from which region?
10 Arabs of 48, the West Bank, Hamas or Gaza."

11 Can you explain this to us?

12 A. It's the three main jurisdictions in which
13 Palestinians live in the region. So Arabs of 48
14 would be the Arabs that live in what is today
15 Israel. West Bank is the part where Palestine
16 authority rules. And then Gaza is the part where
17 Hamas rules, and it's the part between Egypt and
18 Israel. So the Palestinians basically live in these
19 three adjacent areas, but from a legal point of view
20 separated. He's trying to localize where this
21 individual is from; he's Palestinian, but from what
22 territory in which the Palestinians live.

23 Q. Is that part of the Levant that we saw earlier,
24 the map of the Levant?

25 A. Yes.

1 Q. Ibn Dawla responds:

2 "He's all yours Angousha, please forgive me, by
3 God brother. He's all yours, he's all yours, bring
4 us good news about him my brother. I mean he's from
5 the region and you know its people better."

6 Then the individual replies:

7 "The best Mike, no, by God, I'm from the West
8 Bank and forgive me."

9 Then if you can turn to you page 2, please,
10 starting on line 1, the defendant says:

11 "Then you are from the West Bank. He's a
12 neighbor, a neighbor of mine; a neighbor of mine.
13 Greetings from God; welcome. I am from the West
14 Bank regions but a supporter for the Islamic State;
15 a supporter of the State of the Islamic Caliphate.
16 Er, greetings from God. Okay, you, now, may God
17 bless you."

18 Again, so the West Bank, what does that
19 represent?

20 A. It's the region between where the Palestinians
21 live, where the Palestinian authority rules, and
22 it's between Israel and Jordan.

23 THE COURT: Ms. Meeks, I think it's time
24 to take our lunch break, so I would like to break
25 until 1:30.

1 Before you go -- step down, please. Go
2 ahead and step down.

3 THE WITNESS: Yes.

4 THE COURT: Thank you. I just want to
5 remind you again, don't talk to anyone about the
6 case or let anyone talk to you about the case.
7 Don't receive or send electronic messages about the
8 case, and avoid outside information or any other
9 sources of information about the case. All right?
10 Have a great break. We will see you at 1:30.

11 (Jury exits courtroom.)

12 THE COURT: Does the government have
13 anything?

14 MS. MARTIN: Your Honor, there was one
15 exhibit, the audio, 113, and I wasn't sure if, when
16 I read off the list, I think I included it, but I
17 wanted to make sure that one was admitted. It was
18 in the list that was --

19 THE COURT: No, because you did 114 to
20 312. I don't have 113 here anywhere. So do you
21 want to offer 113?

22 MS. MARTIN: Yes, Your Honor, I would
23 offer 113.

24 THE COURT: Any objection?

25 MR. WHALEN: No, Your Honor.

1 THE COURT: 113 is admitted.

2 MS. MARTIN: Thank you, Your Honor.

3 THE COURT: Mr. Whalen?

4 MR. WHALEN: Just real briefly. Do you
5 have an estimate when you will take the afternoon
6 break?

7 THE COURT: I don't know yet.

8 MR. WHALEN: We will have one?

9 THE COURT: Yes, 15 minutes. And we --
10 there's a little newspaper article that came out
11 last night. I don't think it's too important. I do
12 want to make you aware of it, and maybe I will talk
13 to the jury about it. It's just minor, but I just
14 wanted to let you know. Okay?

15 MR. WHALEN: And I was aware of it, and I
16 did have the thought of -- and now that you mention
17 it -- whether you wanted to inquire whether or not
18 anybody reviewed it or looked at it.

19 THE COURT: I think I will just tell them
20 not to read anything before I get into that. We
21 will talk to them about it.

22 MR. WHALEN: Okay. Thank you, Your Honor.

23 THE COURT: Anything else?

24 MS. MARTIN: No, Your Honor.

25 THE COURT: See you at 1:25.

1 (Recess taken.)

2 THE COURT: Both sides ready for the jury?

3 MR. WHALEN: Yes, Your Honor.

4 MS. MARTIN: Yes.

5 THE COURT: Okay, let's bring them in.

6 (Jury enters the courtroom.)

7 THE COURT: Ms. Meeks, if you will
8 continue with your direct examination of this
9 witness.

10 MS. MEEKS: Thank you, Your Honor.

11 Q. (By Ms. Meeks) Dr. Vidino, will you please
12 turn to Government's Exhibit 124 in your transcript
13 binder, with the corresponding audio of 123. And
14 the date on Exhibit 124 is October 8th, 2016, with
15 participants Said Rahim, the defendant, and a
16 participant by the initials of KK.

17 Starting from line 7, with the user KK saying:

18 "Our brother, Angousha, greeting from God. I
19 mean, I am trying I mean...we met with...I met with
20 the Media Committee and we met with the Coordination
21 Committee and what is left is the Discussion
22 Committee. I sent to the Discussion Committee, but
23 not all of them got on; Ibn Dawla got on and
24 Abu-'Uday also got on, and you were the third one.
25 So I need to meet with them, but they did not get

1 on. To get over with the matter of the meeting and
2 determine the thing."

3 To which the defendant replied:

4 "There are two right now, Peace be upon you and
5 greetings from God. I swear I am here and present.
6 You just sent me the invitation and you just told
7 me, because I was driving the car, I mean I did not
8 pay attention. But I looked ten minutes ago and
9 there was no invitation. Though I mean I got the
10 one that you have sent me er, the password, that you
11 had mentioned. Greetings from God. All right, is
12 any of them available on the channel? Those
13 individuals. Those are...who are they? Ibn Dawla,
14 Abu-'Uday and who else? Er, al-Hadrami? Who are
15 they, can you name them for me, if you please."

16 So in this section here, they are discussing
17 the committees on the channels. What does that mean
18 to you?

19 A. It shows a level of sophistication and
20 structure within the channel, meaning that there are
21 multiple individuals that organize in committee to
22 organize certain parts of the channel's inner
23 workings, and clearly the defendant is part of that
24 organizing team.

25 Q. And let me now, if you don't mind, direct you

1 to Government's Exhibit 142. 142, with the
2 corresponding audio exhibit of 141. The date is
3 October 9th, 2016. The participants are an unknown
4 mail, Said Rahim, the defendant, and Ibn Dawla.
5 Starting with Ibn Dawla:

6 "Peace upon you with the mercy blessings of
7 God."

8 And the unknown male:

9 "Peace upon you so with the mercy and blessings
10 of God. Praise be to God, it's emerging. The
11 Dialogue Committee emerged, and they all came out.
12 May God help us! All right, our brothers in the
13 Dialogue Committee, we talked in the matter of a
14 dialogue committee whose official Emir is Angousha,
15 who designates, who er, carries the dialogue based
16 on jurisprudence and reality er, the Levant people
17 to the Levantines, er, the Yemenis people to the
18 Yemenis people, the Pen- --"

19 THE COURT: Hold on a second. Did you get
20 that?

21 Start again.

22 MS. MEEKS: Come up to line 10:

23 "Peace upon you so with the mercy and
24 blessings of God. Praise be to God, it's emerging.
25 The Dialogue Committee emerged, and they all came

1 out. May God help us! All right, our brothers in
2 the Dialogue Committee, we talked in the matter of a
3 dialogue committee whose official Emir is Angousha."

4 Let me actually stop there for now.

5 What does it -- again, what does it mean by,
6 "whose official Emir is Angousha"?

7 A. Means the official leader, chief.

8 THE COURT: And that is spelled how?

9 MS. MEEKS: E-M-I-R, Your Honor.

10 THE COURT: Okay. All right.

11 Q. (By Ms. Meeks) And who do you know Angousha to
12 be?

13 A. The defendant.

14 THE COURT: And that's spelled -- trying
15 to get it for her.

16 MS. MEEKS: A-N-G-O-U-S-H-A.

17 THE COURT: Okay.

18 Q. (By Ms. Meeks) And then it continues:

19 "The official Emir is Angousha, who designates
20 who carries the dialogue based on jurisprudence."

21 Dr. Vidino, what does that mean?

22 A. That's an important part. As we said this
23 morning. Everything ISIS does and ISIS supporters
24 do is based on law, or at least what they believe to
25 be the correct interpretation of law. Everything

1 needs to be sanctioned under Shari'a, under Islamic
2 law. So here it basically says that Angousha
3 carries the dialogue based on jurisprudence, which
4 means that he has that knowledge, or at least the
5 other people believe him to have the knowledge on
6 Islamic law, which would make him the Emir, would
7 make him somebody definitely above the others.

8 Q. Then it continues on line 18:

9 "The Levant people to the Levantines, the
10 Yemenis people to the Yemenis people, the Peninsula
11 people to the Peninsula people, and Iraqi people to
12 the Iraqi people, and so on. So, he assigns them."

13 Can you explain to us what the Levant people
14 and the Levantines, what those mean?

15 A. Basically they are dividing different people
16 according to sort of the dialects, the region within
17 the Arabic world and the dialects they speak. So
18 the Levant people to the Levantines, so the people
19 from Levant, Syria, Jordan, Palestine and Lebanon
20 would speak, because they speak a similar dialect,
21 they would be speaking to one another. The Yemenis,
22 that's another region of the dialect. The Peninsula
23 people means the people from the Arabian peninsula,
24 so Saudi Arabia, Kuwait, the United Arab Emirates,
25 so different parts of the Arabic world.

1 THE COURT: Will you spell Levant?

2 MS. MEEKS: Yes, Your Honor. It's
3 L-E-V-A-N-T.

4 THE COURT: Thank you. Just like it
5 sounds.

6 Q. (By Ms. Meeks) Dr. Vidino, you were saying?

7 A. It's a geographical division. So it seems that
8 the committee, the leadership of the group to which
9 the defendant definitely belongs, is dividing the
10 different people who frequent the channel based on
11 the region where they come from in the Arabic world
12 and based on the dialect they speak.

13 Q. Okay. And then continuing on line 23:

14 "The quick things will be discussed by those
15 who know the Shari'a matters, this means that do not
16 interfere in other committees. The Coordination
17 Committee is for coordination, so the Dialogue
18 Committee will not interfere with the Coordination
19 Committee, whether in muting, blocking, confirmation
20 or otherwise, unless there is no one present, then
21 all committees can interfere with each other. That
22 is in case nobody is available. These are just the
23 points and to be patient as we told our brother
24 al-Raqam al-Sa'b to be patient with the speaker and
25 also our brother Ibn Dawla. We have to be patient

1 and not to utter bad words and such, since this will
2 weaken our cause, although we have a strong cause,
3 praise be to God."

4 On line 13, the defendant Said Rahim says:

5 "And peace be upon you. God willing, I will
6 speak in a little while because I am a little busy
7 right now. I mean just a little while, because, God
8 willing, I have a word to say. I mean, I was
9 supposed to be speak after Abu-Hamzah, but God
10 willing, the other person is listening."

11 With regard to the structure of the channel, is
12 this a sophisticated structure in terms of what you
13 have seen?

14 A. Yeah, in comparative terms I would say so. The
15 majority of channels one would see on other
16 platforms would not have this division, the
17 committees would be very horizontal. Of course you
18 might have some personalities who will emerge,
19 people who will post more frequently or be more
20 charismatic will emerge, but it will be more
21 democratic, more horizontal. Here there's really a
22 formalized structure. It's somewhat different and
23 more elaborate.

24 Q. And does that demonstrate to you that the
25 channel is organized in such a way to have a

1 purpose?

2 A. Yes, I would say so.

3 Q. Is that consistent with what you have seen
4 elsewhere?

5 A. Yes. Generally the more sophisticated ones
6 tend to be the more operational.

7 Q. Please turn to Government's Exhibit 174 with
8 the corresponding audio exhibit of 173. The date on
9 this is December 30th, 2015, and the participant is
10 Said Rahim. I will direct you to line 23 on the
11 first page:

12 "We see who from those are I mean following the
13 right path, and I mean violations...I can give you
14 the Shari'a language regarding the religious
15 fallacies that Hamas fell into and that the brothers
16 fell into. I mean this is Shari'a talk and not an
17 opinion. I asked the question, meaning Hamas has
18 this thorn in Gaza, then why doesn't Hamas implement
19 the God's Shari'a, what's preventing it?"

20 Let's back up to the first part where it talks
21 about the Shari'a language and the religious
22 fallacies of Hamas. Can you interpret that for us?

23 A. Yes. Basically Hamas is another group that I
24 would say is Islamist, meaning that it adopts a very
25 politicized and extreme version of Islam for

1 political purposes, sort of like ISIS and al-Qaeda.
2 But Hamas is criticized by groups like ISIS as being
3 too soft, too compromising. I mean, it's all
4 relative. It's still a group that is a designated
5 terrorist organization. But it is criticized by
6 al-Qaeda and by ISIS as being too engaged in
7 politics, too compromising and not just devoted to
8 outright violence as ISIS is.

9 And the language here seems to say that the
10 defendant can give the Shari'a language -- so,
11 again, everything needs to be interpreted through
12 Shari'a, through Islamic law. The defendant has the
13 ruling, Islamic-based ruling as to why Hamas is not
14 a legitimate group, why Hamas has swayed from the
15 right path.

16 Q. And the same exhibit, Government 174, please
17 turn to page 3, starting on line 13. Again, this is
18 the defendant stating:

19 "Then why doesn't Hamas take advantage of the
20 state of humiliation and misery that God has
21 disgraced them with eternally? Why doesn't Hamas
22 take advantage of it? Why don't they take advantage
23 of it? But Hamas takes everybody into account. And
24 I used to be from Hamas, I used to be Hamas, but I
25 had enough of it and denounced it. 'Denounce the

1 Tyrannical rulers as your Gods and kill all the
2 countrymen and direct your heart to the only
3 worshiped God.' That's it. I was done with Hamas.
4 I was Hamas, I used to defend it, but praise be to
5 God, the Lord of the Worlds, I became aware of the
6 Islamic nullifications, I got to know the rules of
7 there is no god but Allah, the One and Only."

8 We will stop there. Can you explain to us, the
9 first part of that paragraph we discussed, what does
10 it mean, "Why doesn't Hamas take advantage of the
11 state of humiliation and misery"? What is he
12 getting at there, or what do you interpret that to
13 be?

14 A. It's fairly common criticism that is leveraged
15 by members of ISIS and other groups against Hamas as
16 to Hamas being, A, too soft and compromising against
17 Israel; and B, not implementing Shari'a law fully in
18 the territory controls, which is the Gaza Strip. So
19 basically Hamas, according to this interpretation
20 has gone astray; it's not hard enough, it doesn't
21 follow the right path. It's Islamically -- what
22 it's doing is not Islamically justified; it
23 compromises too much.

24 Q. What does it mean to, "I used to be from Hamas,
25 I used to be Hamas. I had enough of it and

1 denounced it"?

2 A. I either used to be from Hamas or at least I
3 used to be a supporter of Hamas, but I am
4 disenchanted of what I've seen of the way Hamas
5 operates, and so I denounced it. And there's,
6 again, a religiously-based justification as to why
7 Hamas is not legitimate and the Islamic State is.

8 Q. So what does this tell you about the defendant
9 by stating this?

10 A. That he has moved from Hamas, to being a
11 supporter of the Islamic State of ISIS.

12 Q. Please turn to Government's Exhibit 182 now;
13 182, with the corresponding audio Government
14 Exhibit 181. 182 it is dated July 15, 2016, and the
15 only participant is Said Rahim. Please turn to page
16 12 of Government Exhibit 182.

17 Starting on line 2 on page 12, the defendant
18 says:

19 "I advise you to think and pull your army, pull
20 your army from the region of the Muslims and that is
21 it, and you pay the jizyah."

22 Am I saying that right?

23 THE COURT: Spell that, please.

24 MS. MEEKS: It's J-I-Z-Y-A-H, Your Honor.

25 Q. (By Ms. Meeks) What does that mean?

1 A. Jizyah is the tax that non-Muslims are --
2 special tax that non-Muslims are supposed to pay to
3 the Islamic State, to the Islamic ruler; it applies
4 only to non-Muslims.

5 Q. How does that fit within the frame of ISIS in
6 terms of ruling on a non-Muslim state?

7 A. That's the way ISIS would apply it. So people
8 who are non-Muslims are given three choices,
9 basically. ISIS has made the case repeatedly, has
10 published countless literature about it, gives you
11 three choices: You either convert to Islam; you pay
12 the jizyah, special tax; or you get killed. That's
13 one of the three.

14 Q. It continues on line 5:

15 "I mean as I said, which is the best solution,
16 for is there no other choice, there is no other
17 choice, there is no other choice. Nobody is going
18 to negotiate with you. Nobody is going to negotiate
19 with you. The State of the Caliphate is not going
20 to send anyone to negotiate with you. No, no, no,
21 there won't be. This will happen with the Muslim
22 brotherhood and Hamas, but not with the State of the
23 Caliphate. We negotiate with you with the sword,
24 the booby trap and the truck."

25 What does this mean to you?

1 A. It's, again, the criticism -- the debate that
2 exists within the Islamist movement; again, within
3 groups that use Islam for political purposes. But
4 you have two currents. One is what I would call the
5 jihadist current, groups like ISIS and al-Qaeda,
6 that don't believe in any kind of negotiation, any
7 kind of politics, it's just violence and what they
8 would call jihad.

9 And then you have groups like Hamas, like the
10 Muslim brotherhood, that are still very extreme in
11 their world view, but do adopt a mix of violence, of
12 terrorism, but at the same time of politics. So
13 they run for elections. They will still use
14 terrorism as they run for elections, the Hamas do.

15 Here it seems very clear that the defendant
16 finds that hybrid approach used by Hamas is not
17 acceptable, not Islamic and that the only one
18 acceptable is the no negotiations. There's a very
19 famous way of putting it, which is bullets over
20 ballots, meaning only fighting is the right way to
21 achieve the goal, no negotiations, no dialogue.

22 Q. Okay.

23 MS. MEEKS: Your Honor, at this time I
24 would request to publish a demonstrative exhibit.
25 It's a map that defense has seen.

1 THE COURT: Do you have an exhibit number?

2 MS. MEEKS: It's a demonstrative aid. I'm
3 sorry, Your Honor.

4 THE COURT: All right. Any objection?

5 MR. WHALEN: No, Your Honor.

6 THE COURT: All right.

7 Q. (By Ms. Meeks) We're going to be talking --
8 and we have talked a lot about terrorist attacks in
9 Nice, France and Orlando, Florida and Istanbul,
10 Turkey. I thought it would be helpful for the jury
11 to get a geographic view of this.

12 Can you sort of point out for the jury,
13 starting at the top, where these locations are?

14 A. Start with the U.S.?

15 Q. Yes, sure.

16 A. So we have Dallas -- I don't think I need to
17 point it. We have Dallas, Texas. And then we have
18 Orlando, Florida. That's where the June 2016 attack
19 against the Pulse Nightclub took place. Then we
20 move to Europe, Nice, France, that's where the
21 July 14th, 2015 -- '16, I'm sorry, attack took
22 place. And then moving further east, Istanbul,
23 Turkey, January 1st, 2017, New Year's Eve attack
24 against the Reina Nightclub in Istanbul.

25 Q. Okay. Let's start, if we can pull up the map

1 of Nice, France.

2 Are you familiar with the attack that occurred
3 in Nice, France, as I think you said you are?

4 A. I am.

5 Q. And where did that occur?

6 A. So what's the Promenade Des Anglais, sort of
7 the big boulevard right on the sea, very famous
8 boulevard, very trendy, where all the restaurants
9 are in Nice.

10 So on the evening of July 14th, which is the
11 Bastille Day, it's a French national day, big
12 celebration in France, there were fireworks taking
13 place. And a truck driven by an ISIS supporter
14 drove through what was supposed to be a pedestrian
15 only area and mowed down everybody on the boulevard.

16 Q. How many deaths did that result in?

17 A. Eighty-seven.

18 Q. Do you know how many people were injured?

19 A. In the hundreds. I forget the exact number.

20 Q. Did ISIS claim responsibility for that attack?

21 A. ISIS did claim responsibility for that.

22 Q. Can you please turn to Government's Exhibit
23 170.

24 I'm specifically starting on page 2. 170 is
25 dated July 15th, 2016. And the participants are

1 Said Rahim, the defendant, and an unknown male.

2 Just as a reminder, Dr. Vidino, when did the
3 Nice attack occur?

4 A. July 14th.

5 Q. Fourteenth. So the day before?

6 A. Yes.

7 Q. Start on page 2, on line 11, where the unknown
8 male says:

9 "This is not going to be the last operation.
10 All this is on the shoulders of the wicked French
11 president. If they refrain from hurting the
12 Muslims, the Muslims will refrain from hurting them.
13 And there is no jizyah between them and us now, but
14 blood is between us, between them and us is
15 vengeance, between them and us is blood, more like
16 valleys of blood."

17 Again, how does this fit within the concept of
18 ISIS desired control over a non-Muslim area?

19 A. That is exactly reflecting the mindset that
20 ISIS has been expressing and formulating for a long
21 time. Basically he's saying that there is no jizyah
22 agreement between the Islamic State and France, so
23 the French are not paying this special tax that the
24 non-Muslims are supposed to pay to the Islamic
25 State; therefore, the alternative is blood. They

1 are non-Muslims, they haven't converted to Islam,
2 they are not paying the tax. The alternative is
3 blood, so valleys of blood, as he put it -- as he
4 puts it.

5 Q. Can you turn to the next page, page 3? And
6 this is, as you can see, the defendant talking in
7 this section here, starting on line 18:

8 "This is what al-'Adnani said, if you recall.
9 Al-'Adnani when he said something to the effect that
10 the nonbeliever will turn, he will turn towards the
11 right, to the right and the left in fear, and this
12 is what is happening. Oh man, now the French and
13 all the Europeans are in extreme state of terror.
14 Everybody is living in fear. Are they going to
15 prevent everyone from driving trucks? Then go ahead
16 and stop, stop them from driving trucks. Praise be
17 to God, the Lord of the worlds. I was really happy
18 for this act, I was happy for this act, those dogs."

19 Is he talking about the attack that occurred
20 the day before?

21 A. Yes. And he's referencing France, the fact
22 that the French people and the Europeans in general
23 are living in fear. That is very much the rhetoric
24 of al-'Adnani whose message said, fear their
25 neighbor, that was really the main theme.

1 And then the idea of driving trucks, that's how
2 the attack took place in Nice. He's also
3 referencing the concept that by using weapons, which
4 are not really weapons, are tools that everybody has
5 access to on a daily basis, a car, a truck in this
6 specific case, makes it almost impossible for law
7 enforcement to stop those acts. And it's what
8 'Adnani, the number two in ISIS, had called for, use
9 any kind of weapon -- any kind of tool as a weapon.

10 Q. And how is that fear helpful to ISIS?

11 A. It helps, as we said this morning, in different
12 ways. It helps because it makes potentially
13 Governments change their policy and withdraw from
14 attack from the coalition and withdraw from
15 attacking ISIS; it's a fear that brings polarization
16 in society. What ISIS wants is really a divide of
17 an us versus them mentality in the West between
18 Muslims and non-Muslims in which non-Muslims will
19 see Muslims as all terrorists and all dangerous.
20 And Muslims, in reaction, will see all non-Muslims
21 as against them. This generalized fear that these
22 kinds of attacks bring about is exactly what ISIS
23 aims to achieve.

24 Q. Okay. Next page, on page four, starting on
25 line 5, which is again often the defendant:

1 "Praise be to God, the Lord of the worlds,
2 al-'Adnani's words, may God preserve him, were
3 fruitful. I mean from the early days when he said,
4 'Do not ask anyone for fatwa and do not consult with
5 anyone, kill them in any way possible, kill them in
6 any way possible.' So Praise be to God, the Lord of
7 the Worlds, this Muslim monotheist did not consult
8 anyone. He did not call al-Qardawi --" is that how
9 you say that "--

10 A. Yes.

11 Q. "-- and tell him, well, al-Qardawi, I want to
12 do such and such. No, no, no, he did not do that,
13 and that's it. He took the fatwa from the trusted
14 ones, the scholars, the trusted scholars, the
15 frontier scholars, like the jihadist scholar
16 al-'Adnani."

17 Is he talking again about the attack on France?

18 A. Yes. And he's explaining how that fits into
19 what 'Adnani, ISIS leader 'Adnani had called for,
20 which is do it yourself, jihad. You don't need to
21 be part of the group. You don't need to get some
22 special decree or authorization from some scholar,
23 just do it. You have the general blessing from ISIS
24 that's sort of a polemical attack against some of
25 the more mainstream clerics in Islam, the scholars

1 of jihad, people like 'Adnani. So scholars that
2 belong to ISIS are the ones that give authorization
3 to carry out attacks indiscriminately everywhere,
4 and those are the only people you should listen to.
5 There's no point in asking for opinions, so on and
6 so forth, just carry out the attacks.

7 Q. Can we turn to Government's Exhibit 226, with
8 corresponding audio 225. Turning to page 3 of 226
9 dated July 19th, 2016 and the participant is Said
10 Rahim, the defendant, starting on line 12, saying:

11 "Now there are people, lone wolves, that think
12 about operations that will affect the biggest or the
13 largest number possible of those. How much did this
14 one, the one who used the truck earlier... Oh man,
15 he killed a lot. I swear that he killed many, I
16 mean, er, I mean the success of this operation was
17 better than a nuclear bomb...that act that he
18 carried. We will wait and see."

19 What is he talking about, "the biggest or
20 largest number possible"?

21 A. He's praising the effectiveness of the action
22 of the attacker in Nice, just one person, no
23 organization, no operational backing. One person
24 rents a truck, cheap operation, yet he kills 87
25 people; very powerful operation.

1 MS. MEEKS: Your Honor, permission to post
2 a demonstrative aid?

3 THE COURT: Fine. Mr. Whalen, do you know
4 what it is?

5 MR. WHALEN: Yes, I do, Your Honor. I
6 have no objection.

7 Q. (By Ms. Meeks) This is a map here, Dr. Vidino.
8 Can you describe what we're looking at here?

9 A. That's Europe and parts of the Middle East, and
10 the focus is on Istanbul, the largest city in
11 Turkey.

12 Q. Are you familiar with a terrorist attack that
13 occurred in Istanbul on January 1st, 2017?

14 A. Yes, I am.

15 Q. Can you tell us about that?

16 A. One known member of ISIS entered a nightclub
17 where people were celebrating New Year's Eve. He
18 killed the security guard at the front door. And
19 armed with automatic weapons, went and -- dressed as
20 Santa Claus, went inside and killed almost 40
21 people.

22 THE COURT: 40 or 14?

23 THE WITNESS: 40; four, zero.

24 THE COURT: Okay.

25 A. And then he left the site; was not killed in

1 the operation and left the site and was later
2 arrested.

3 Q. (By Ms. Meeks) How many people were injured,
4 do you know?

5 A. Less than a hundred if I am correct.

6 Q. And did ISIS claim responsibility for that
7 attack?

8 A. It did.

9 Q. Can you please turn to Government's Exhibit
10 176? Government's Exhibit 176, the corresponding
11 audio 175. The date on this is December 16th, 2016,
12 and the participant is Said Rahim, the defendant.
13 Starting on line 6:

14 "May God prolong your lives. Yes, now, now the
15 brothers in Syria, I mean those that are now present
16 in Turkey, God willing --"

17 THE COURT: Who did you say the speaker
18 was?

19 MS. MEEKS: It's the defendant, Your
20 Honor.

21 THE COURT: Okay.

22 Q. (By Ms. Meeks) "Those that are now present in
23 Turkey, God willing now, they must...that's it,
24 pledge allegiance to the Islamic State and be lone
25 wolves and attack the Turkish government, its

1 individuals, its constituents, its police, its
2 quarters, its banks, its tourist sites, its vessels,
3 its nightclubs, and everything. Let everything that
4 pertains to Turkey become a target for you.

5 Meaning, fend off on behalf of your jihadist
6 brothers. They want to make your brothers in Syria
7 victorious, and some have fled to Turkey. Fine,
8 make penance for your misdeeds by fleeing to Turkey,
9 make penance, maybe God then will forgive your
10 misdeed and I mean cleanse your sin. Attack the
11 army of unbelief in Turkey, attack it. Don't be
12 among those that stand in queue waiting for a bread
13 handout, the queue of disgrace, but be in the
14 martyrs' queue, the ones who I mean...be in the
15 martyrs' queue of those who are standing at the
16 doors of paradise, awaiting the opening of the doors
17 so they can go in from any door they like."

18 We will stop at this section.

19 Dr. Vidino, what is he calling for here?

20 A. He's openly calling for attacks against Turkey.
21 He's calling for the kind of attacks that 'Adnani
22 has outlined, so against any possible target, sort
23 of anything works from, you know, soft targets, like
24 nightclubs, tourist sites to police and so on and so
25 forth, so basically any kind of target.

1 He's particularly trying to reach out to people
2 who might live in Turkey as refugees. The part
3 where it talks about people are fleeing to Turkey,
4 there's a queue waiting for a bread handout, it's
5 probably a reference to refugees, Syrian refugees
6 who live in Turkey. And what he is saying is, is
7 don't be there like a beggar, but strike Turkey as
8 revenge for what Turkey did against the Islamic
9 State, but also to turn Turkey into a part of the
10 Caliphate.

11 Q. And does the date have any significance to you?

12 A. It's two weeks before the attacks in Istanbul.

13 Q. Can I ask you to turn to Government's Exhibit
14 166.

15 Can you please, instead, turn to Government's
16 Exhibit 192; 192 first. 192, with the corresponding
17 audio of 191. The date for Government's Exhibit 192
18 is January 3rd, 2017. The participants are Said
19 Rahim, the defendant, and an unknown male.

20 Starting on line 7, the defendant says:

21 "May God bless you. Praise be to God, the Lord
22 of the Worlds. No, we will see now what the news
23 is. There is a statement; I do not know if you saw
24 the statement, I mean there is an official statement
25 that I read yesterday where the Islamic State claims

1 responsibility for the club, this nightclub in
2 Istanbul. Praise be to God, the Lord of the Worlds.
3 I mean, this is the beginning."

4 What's he talking about here?

5 A. About the communique ISIS issued two days after
6 the attack in Istanbul.

7 Q. And that's the attack we were just talking
8 about?

9 A. I'm sorry?

10 Q. That's the attack you were just talking about?

11 A. Yes. ISIS, as it normally does, it issues a
12 communique a day, a couple of days after the attack,
13 claiming responsibility.

14 Q. Can you then turn to page 2 of the same
15 exhibit, Government's Exhibit 192, starting at line
16 11. This is the defendant:

17 "Also, if you recall, before from...I mean less
18 than a month -- less than a month, I called upon the
19 brothers, I mean, to target Turkey. But I...who am
20 I to be heard, but I mean, praise be to God, the
21 Lord of the Worlds. I ask God to grant me reward
22 for it, for inciting brothers to perform jihad for
23 the cause of God, for inciting brothers to perform
24 jihad for the cause of God and to fight the enemies
25 of Almighty God."

1 What does this mean to you?

2 A. There's some degree -- in the first part he
3 takes some responsibility for having called for the
4 attack. The fact that, "less than a month, I called
5 upon the brothers to target Turkey," then he sort of
6 had this moment of humility, if you will, like, "Who
7 am I to be heard?" And at the same time, one line
8 after that, it says, "I ask God to grant me a
9 reward." So I did something right. I called for
10 attacks in Turkey, the attacks took place, and I
11 asked God to reward me for that.

12 Q. And can you turn now to Government's Exhibit
13 166. It's got the corresponding audio of 165, Your
14 Honor, and the date on this January 2nd, 2017. The
15 participant is Said Rahim, the defendant.

16 And, Dr. Vidino, is this date significant to
17 you?

18 A. What part?

19 Q. The date?

20 A. The date, the day -- it's the day after the
21 attack.

22 Q. I'm starting at line 27 on page 1. The
23 defendant saying:

24 "in continuation of the blessed operations
25 waged by the Islamic State against the protector of

1 the cross, Turkey, one of the Caliphate hero
2 soldiers demolished one of the most famous
3 nightclubs where Christians hold their polytheistic
4 celebrations. He attacked them with hand grenades
5 and his machine gun, exchanging their joys for
6 sorrows, reaping a hundred fifty people dead and
7 wounded, in revenge for Almighty God's religion, and
8 at the behest of the true believers' Emir, to target
9 the protector and servant of the cross: Turkey."

10 What does he mean, "servant of the cross:
11 Turkey"?

12 A. It's the accusation that ISIS may have cut
13 Turkey off being in cahoots with Christian
14 countries. Turkey is a member of NATO. It has
15 political alliance and military alliances with the
16 United States and Western countries; therefore, it's
17 seen by ISIS and ISIS supporters as a traitor, as a
18 Muslim country, because it is a Muslim majority
19 country, that sides with Christians against Muslims.

20 Q. And what does this mean, "the polytheistic
21 celebrations"?

22 A. The attack took place on New Year's Eve. That
23 obviously, from a strictly Islamic point of view, is
24 not an Islamic holiday. And so what people were
25 doing there is celebrating something non-Muslim in a

1 Muslim land. The majority of people actually killed
2 in the nightclub were mostly Muslims.

3 Q. Please turn to page 7 of the same exhibit.

4 This is the defendant speaking, starting on
5 line 10 on page 7:

6 "That is it. As al-'Adnani said: 'Kill them
7 and do not ask for anyone's fatwa. Kill them and do
8 not seek a fatwa from anyone.' This one killed
9 them. He killed them, spilled their filthy blood
10 and offered his soul. I do not know, I mean we ask
11 God to accept him if he was martyred."

12 And then a few lines down, on line 23:

13 "Yes, honorable brothers, those...this is the
14 nature of these jihadists who Almighty God enabled
15 and they attacked those; they attacked and devoured
16 them, and viciously devoured them. This is our
17 terrorism, it extends -- our terrorism extends and
18 the State is strong, by the grace of God, glorified
19 and exalted be He. 'This is terror: Terrorism
20 reaches Turkey.' Yes, our terrorism as decreed by
21 God, glorified and exalted be He, it is to terrorize
22 you, to kill you and to spill your blood, seeking
23 closeness to God, glorified and exalted be He.
24 Servant of the cross, Erdogan, take note that the
25 Caliphate will not leave you alone, you started, and

1 we will finish the war with you, God willing."

2 Remind us who Erdogan is?

3 A. The president of Turkey.

4 Q. What is he saying here?

5 A. It's pretty open, as open as it gets; basically
6 saying that Turkey needs to be punished, but this
7 is -- what's striking is that he clearly identifies
8 with ISIS as our terrorism, our -- that basically
9 Turkey, by virtue of its foreign policy, its
10 positions, is a target, and he keeps praising the
11 attack as, "our terrorism."

12 MS. MEEKS: Your Honor, permission to
13 publish a demonstrative aid? The defense has seen
14 this.

15 THE COURT: Any objection?

16 MR. WHALEN: No, Your Honor.

17 THE COURT: All right.

18 Q. (By Ms. Meeks) Dr. Vidino, can you just tell
19 us what we are looking at here?

20 A. A map of Orlando, Florida. And that is the
21 Pulse Nightclub, where the attack of June 2016 took
22 place.

23 Q. Okay. Can you pull the microphone a little
24 closer to you?

25 A. Yes.

1 Q. Are you familiar with the terrorist attack that
2 occurred on June 12th, 2016 --

3 A. Yes.

4 Q. -- in Orlando, Florida?

5 Can you describe that attack, please?

6 A. Yeah. What happened is that an individual
7 named Omar Mateen entered the nightclub when it was
8 full with people. And with automatic weapons, he
9 started shooting pretty much the same model that we
10 saw in Istanbul and killed people for basically
11 three hours; made a phone call after having killed a
12 few people to the local police department, the local
13 dispatch, saying that he was doing that on behalf of
14 the Islamic State.

15 Q. Do you know how many people ended up dying?

16 A. Around 40.

17 Q. How many were injured?

18 A. Less than a hundred, if I'm not mistaken.

19 Q. Can you please next turn to Government Exhibit
20 178; 178, with the corresponding audio exhibit of
21 177. The date on Government's Exhibit 178 is
22 June 13th, 2016, and the participant is Said Rahim,
23 the defendant, and another participant with the
24 letters Asd1999135.

25 Dr. Vidino, is this date of June 13th

1 significant to you?

2 A. The day after the attack in Orlando.

3 Q. Okay. Please look at, starting at line 18, the
4 defendant speaking:

5 "There are news state that an attack in the
6 state of...in Orlando, Florida State. The city of
7 Orlando is a touristic city. The news state that an
8 attack led to killing 50 Americans. This is the
9 initial news. I mean, God willing, we will follow
10 up with the news and pass it on to you as it comes.
11 I mean, you remember what al-'Adnani said, may God
12 protect him."

13 And then if you will turn to the second page,
14 line 18; again, the defendant:

15 "Glory be to God, this is the lion and these
16 are the lions. Glory be to God. This city, I mean,
17 it brings America, I mean, a bunch of money, and it
18 is a tourist city, and it is all tourism. It has
19 the city of Orlando, an entertainment city, this
20 city. I mean it is a strong vein, this city, so
21 glory be to God. We have to follow up on the
22 consequences of this subject."

23 Why would he mention it being a tourism city?

24 A. He's trying to contextualize the attack in
25 explaining to maybe people who are less knowledgable

1 about America that Orlando is a very famous tourist
2 destination and that carrying out an attack is a
3 consequence of the economy.

4 It's one of the reasons why groups like ISIS
5 carry out terrorist attacks in certain locations is
6 also to damage the economy. The attacks of 911
7 caused a major damage to the tourism industry in New
8 York. Doing something in Orlando, a tourist
9 destination, might cause the same sort of damage
10 from an economical point of view.

11 Q. Please turn to page 3 of the same exhibit,
12 starting on line 19. Again, this is the defendant:

13 "I swear by God, this attack shook them
14 violently. Pictures of the attacker here. There is
15 a picture of the guy who did it. Glory be to
16 Almighty God. Blessed be to Almighty God. Now
17 starts the outreach activity at all the mosques,
18 especially in America, to publicize, to publicize
19 this operation, hey, oh boy, yet praise be to God."

20 Why is publicity important?

21 A. ISIS recruits. They need recruits. It's all
22 about propaganda. It's all about attracting new
23 members and new sympathizers. So here what the
24 defendant is saying is the next step is to do
25 outreach to all mosques and explain what happened,

1 explain that ISIS carried out the attack in order to
2 attract sympathy and to attract recruits.

3 Q. Can you turn to page 4? Starting on line 7;
4 again, the defendant:

5 "I mean, this is a message we send to the
6 agents of the Intelligence at the FBI and CIA, I
7 mean, to tell their bosses. Enough America, stop
8 and remove your tarnished hands from Muslims.
9 Enough, pull back and do not interfere."

10 What does he mean there?

11 A. It's another common theme in ISIS propaganda.
12 The idea that ISIS carries out the attacks and sends
13 a message to America, American leaders, to stay away
14 from the Middle East. In this specific case, of
15 course, ISIS is under attack by the United
16 States-led coalition. And the idea is, we bring
17 terrorism to your homeland because you are attacking
18 us in Syria and Iraq.

19 Q. Can we please turn to page 5, and I will point
20 you to line 24, same exhibit, and it's the
21 defendant:

22 "I mean, what makes it easier living in
23 America and the United States to execute these
24 operations...is, of course, first and foremost, and
25 always and ever, God's facilitation and

1 conciliation. I mean, this goes without saying or
2 discussion. But the nature of America and the
3 nature of the United States, it is easy for someone
4 to get weapons. To acquire a weapon is very, very,
5 very easy. Just about any person can have a weapon.
6 I mean, most everyone is armed, everyone is armed.
7 I mean they would have weapons. I mean it is not
8 hard to get a weapon. You can be...go anywhere
9 carrying a weapon. You can go the airport carrying
10 weapons because, for example, no one inspects or
11 anything."

12 And it continues:

13 "There is no inspection, and the clubs,
14 restaurants, anywhere, no weapons are there, weapons
15 are not present. These are I mean the elements,
16 which I mean help these things. Even if they become
17 strict it will not work, because it is a big
18 country."

19 How does this align with the ISIS message?

20 A. The ISIS message is, carry out attacks wherever
21 you are according to the modalities that you see
22 fit. And in countries, like some European countries
23 where guns are not easy to obtain, getting a truck
24 or using a knife might be the best way to do so. In
25 the United States where guns are fairly easy to

1 obtain, then, you know, guns are probably the best
2 way to carry out an attack, and he's explaining that
3 situation.

4 Q. Can you turn to page 7? It's the same exhibit.
5 It's the defendant speaking, and starting on line
6 11 -- or 10:

7 "Does Trump need something like this to reach
8 the White House? And is there an American reply,
9 how and where? I mean look at this. To begin with,
10 this operation is in response to what America is
11 doing. It means that we are not waiting for America
12 to respond to this operation. What the Islamic
13 Caliphate State did is in response. I mean it is
14 well known to what America is doing in the land of
15 the Muslims. Now the battle has moved, the battle
16 has moved."

17 What does that mean?

18 A. It's, again, taking a page from ISIS book and
19 completely identifying what ISIS says. Not only the
20 fact that the defendant says "we," but the argument
21 is that all the attacks would take place here in
22 America in response to the presence of American
23 troops or the interference that America carries out
24 in the Middle East. So we, ISIS, are responding to
25 what America is doing in the Middle East by carrying

1 out acts of terror here in America.

2 Q. And by saying -- using the word "we," is that
3 significant?

4 A. It shows that it identifies with ISIS. It's
5 not a neutral position, Islamic State is doing bad,
6 America is doing bad, it's that "we" are doing this
7 against America.

8 Q. Okay. Can you please turn to Government's
9 Exhibit 290; 290, with the corresponding audio of
10 289. The date on this is June 12th, 2016.
11 Participants are Said Rahim, the defendant, unknown
12 males 1, 2, 3 and 4.

13 Please turn to page 3, starting on line 24.
14 This is the defendant speaking:

15 "Today or yesterday, the Islamic Caliphate
16 State executed an operation in the state of Orlando,
17 Florida, in the United States, and killed 50 or
18 more. Okay, and this is the thumbprint of the
19 Islamic State on them, all right then, this is proof
20 that it is, I mean is taking revenge on America and
21 that America is its enemy."

22 How do you interpret that?

23 A. Exactly like I said earlier, that the Islamic
24 State is taking revenge for what America is doing in
25 the Middle East and that the Islamic State is --

1 America is the enemy of Islamic State and
2 vice versa.

3 Q. So if someone belongs to the Islamic State or
4 purports to belong to the Islamic State, would their
5 enemy be the same as the Islamic State's enemy?

6 A. Yes, absolutely.

7 Q. So America would be the enemy.

8 A. Absolutely, yes.

9 Q. Can you please now turn to Government's Exhibit
10 184; Government's Exhibit 184, the corresponding
11 audio is 183. Date of this is July 15th, 2016, and
12 the participant is Said Rahim, the defendant.

13 Can you please turn to page 3? And starting on
14 line 7: And here he's referencing -- and I'm
15 summarizing because it's very long -- but the Nice
16 attack that we were talking about earlier. Here it
17 says:

18 "We hear some people say terrorism has no
19 religion. No, terrorism's religion is Islam.
20 Terrorism's religion is Islam. And the Quran
21 confirmed it when it said '...to strike terror into
22 (the hearts of) the enemies, of Allah and your
23 enemies...' Yes, Terrorism is Muslim, terrorism is
24 Muslim. It does have a religion; I mean it does
25 have a religion. Praise be to God and thank you to

1 the terrorists, thank you O terrorists."

2 Now this is -- would this be a correct
3 interpretation of Islam broadly?

4 A. I'm not in a position to say correct, I'm not a
5 theologian. I would say it's very fringe, of
6 course, vast majority of Muslims would not believe
7 that is the right way to interpret it. There is the
8 person, the Quran, that talks about terrorizing the
9 unbelievers. The vast, vast majority of Muslims
10 would contextualize that verse; there's a historical
11 reason it's written. You can take a verse from any
12 kind of text, and read out of context would make it
13 mean something. This is what ISIS does, takes a
14 verse that has a historical meaning, the Quran, and
15 refers to a certain, specific battle that took place
16 14 centuries ago. But it applies it to today's
17 Florida, to today's Germany, to today's Syria, which
18 is taking things out of context. But it is a very
19 common interpretation among the jihadists. This is
20 how ISIS justifies its actions. Everything that
21 ISIS does is justified through verses of the Quran,
22 of course interpreted in a certain way, which is
23 very fringe.

24 Q. And would this demonstrate the extremist level
25 of that interpretation?

1 A. Very much so, yes.

2 Q. Can you please turn to Government's
3 Exhibit 302; Government's Exhibit 302, with the
4 corresponding audio of 301, dated July 9th, 2016.
5 The participant is Said Rahim, the defendant, and
6 unknown male. And starting on line 7, the defendant
7 says:

8 "All right. Peace be upon you. May God grant
9 you long live al-Zarqawi."

10 Can you remind us again, Dr. Vidino, who
11 al-Zarqawi is?

12 A. Zarqawi was the founder of the organization
13 that then became ISIS.

14 Q. It continues:

15 "May God bless you. Greetings to all.
16 Hundreds of black Africans were killed by the
17 American police. A few days ago they killed, I
18 mean, they killed someone black in front of his
19 family. I mean, they stopped his car -- his car,
20 and they got him out of his car, placed him on the
21 floor, and they shot them. This hatred between the
22 white and black, that is old, I mean old."

23 And then turning to page 2, starting on line 6,
24 again, the defendant:

25 "But, God willing, this incident that took

1 place the day before yesterday in Dallas, I mean
2 that they were not expecting it, they were not
3 expecting it to happen in such a way, in such a
4 tactic and such a...I mean the person who did it was
5 a sniper, a sniper. He killed five. Man, this had
6 never happened before, to kill five or six
7 policemen. So, God willing, it will happen, I mean,
8 and will increase; matters will increase and will
9 get complicated more and more."

10 How does -- how does this fit inside the ISIS
11 mission of creating discord?

12 A. Yeah, I mean the incident to which the
13 defendant is referring has nothing to do with ISIS
14 per se. I mean, it has to do with dynamics that are
15 better known to everyone in Dallas.

16 But of course the ISIS narrative exploits any
17 kind of division and seeks to increase any kind of
18 polarization within enemy societies, America being
19 one of the main enemies of ISIS. So the idea of
20 sowing that discontent, increasing that
21 polarization, showing that American Society is
22 inherently flawed, it's a tactic that ISIS uses to
23 its own advantage.

24 Q. And you have had the opportunity to review the
25 transcripts in this case?

1 A. Yes, I have.

2 Q. And is there much more than we discussed here
3 in court contained in these documents?

4 A. Yes; very much so, yes.

5 Q. Is it similar in nature?

6 A. Very much so, yes.

7 Q. In your expert opinion, would the defendant's
8 actions as an administrator or a moderator in this
9 channel, would that supporter be of use to ISIS?

10 THE COURT: Hold on a second. Do you have
11 any objection?

12 MR. WHALEN: No.

13 THE COURT: Go ahead.

14 Q. (By Ms. Meeks) Would that supporter be of use
15 to ISIS?

16 A. Very much so, yes.

17 Q. And why is that?

18 A. Because it would -- having such a structured
19 large and sophisticated channel allows for many
20 people to increase their belief in ISIS mindset and
21 create that community, which allows them to solidify
22 their commitment to the cause.

23 And then the second part is it allows some of
24 these individuals to establish contact with people
25 that would allow them to make the leap from talk to

1 action, to mobilize as the term that we have used
2 today.

3 A chat room like this, again because of the
4 level of the conversation and the access that some
5 of these people have, it's something that definitely
6 allows people to mobilize and become part of ISIS,
7 which is clearly an ISIS interest.

8 MS. MEEKS: Okay. I have no further
9 questions, Your Honor.

10 THE COURT: All right.

11 Mr. Whalen.

12 CROSS-EXAMINATION

13 BY MR. WHALEN:

14 Q. Dr. Vidino, how are you?

15 A. Good.

16 Q. The center that you started at George
17 Washington, when did that program or that center
18 begin.

19 A. 2015.

20 Q. 2015?

21 A. Spring of '15, yes.

22 Q. And the center -- how is the center funded?

23 A. We have basically foundations and private
24 donors that support us. Some are alumni of the
25 university, private foundations. We don't take

1 government money, we don't take foreign funding.

2 Q. Okay. Now, would you agree with me that a lot
3 of the things that we hear in those chats online are
4 things that have been said before by other people?

5 A. Yes, of course.

6 Q. Okay.

7 A. Very much so.

8 Q. And so would you agree with me that a lot of
9 what is being said is really mimicking what other
10 people have already said?

11 A. Yes.

12 Q. And would you agree with me that a lot of what
13 is said, too, is based in the Quran?

14 A. Some of it. I mean a very fringe
15 interpretation of the Quran.

16 Q. But some of the language is in the Quran. So
17 the point I'm getting at is that nothing that is
18 being said is really original; is that fair to say?

19 A. No; it's replicating ISIS propaganda, which
20 uses mainstream Islamic terms in a fringe way.

21 Q. Now, you've been studying social media,
22 different platforms of social media; is that
23 correct?

24 A. Correct.

25 Q. And when was the first time that you heard

1 about Zello?

2 A. Year and a half ago.

3 Q. Okay. And is it related to this case?

4 A. Correct.

5 Q. Okay. Prior to that, you had not heard of
6 Zello as a communication or social media platform
7 for ISIS, correct?

8 A. Correct.

9 Q. And you would agree with me that this group on
10 Zello, it's not an official group of -- it's not
11 sanctioned by ISIS. Would you agree with that?

12 A. As far as I know, it's not.

13 Q. Okay. So there's no direct connection between
14 the group ISIS and this group on Zello, correct?

15 A. As far as I know, no.

16 Q. Okay. And when we talk about -- you've said
17 this before, and I just want to clarify. These
18 people in this particular chat room were supporters,
19 you would call them supporters of ISIS, correct?

20 A. Yes.

21 Q. Okay. So the people coming into it had already
22 formed an opinion or a belief that they supported
23 ISIS, correct?

24 A. I can't attest to all of them. I think there
25 are different degrees to which they supported ISIS.

1 Some of them had doubts and, in fact, you see that
2 in some cases the administrators say this is not a
3 place for doubts. It's clearly people that are
4 sympathetic, all of them, I think that's the bar.

5 Q. Right. And so what you said is some people
6 who, if they had doubts, the administrators would
7 say, "This is not the place for you," correct?

8 A. Correct.

9 Q. So once again, it's people that were
10 sympathetic who had already formed that belief
11 independent of the chat room. Would you agree with
12 that?

13 A. Yes, probably.

14 Q. Okay. And you talked about -- you tried to
15 indicate that this was more sophisticated because
16 there was a hierarchy to it. Do you remember saying
17 that?

18 A. It's one of the reasons why I would say it's
19 more sophisticated.

20 Q. Okay. But would you agree with me that
21 different groups can come together and set up their
22 group however they want to, correct?

23 A. Yeah, of course.

24 Q. Okay. And so just because they decided we're
25 going to have administrators and moderators and put

1 some structure to it, in and of itself doesn't mean
2 it's sophisticated. Would you agree with that?

3 A. It shows there are some -- some rules inside
4 and a structured hierarchy, and certain people call
5 the shots and others don't. I think, generally
6 speaking, when you see most channels, chat rooms on
7 other platforms, it's more horizontal, more
8 democratic. So this is a bit different. How
9 functional that was, it's difficult to say, I agree
10 with you.

11 Q. Just because it's different doesn't necessarily
12 mean it's necessarily sophisticated.

13 A. It shows a level of structure, which I think is
14 indicative, together with a couple of elements, with
15 a level of sophistication.

16 Q. I guess I'm not going to change your mind on
17 that.

18 A. Sorry.

19 Q. Would you agree with me also, looking at some
20 of these chats that you discussed, that sometimes
21 when you look at the transcript, it's just Mr. Rahim
22 speaking. Do you see those?

23 A. Yes.

24 Q. And as far as you know, you have no idea
25 whether anybody else was listening; is that fair?

1 A. I don't know. Yeah, that's fair. I don't
2 know, so yeah.

3 Q. It could be simply just him pontificating,
4 correct?

5 A. Yes.

6 Q. And also would you agree with me in social
7 media, that sometimes people use social media to
8 come across or appear as something they are not.

9 A. Yes, of course.

10 Q. Okay. And it's kind of the phrase I've heard
11 is, you know, the keyboard warrior. Have you heard
12 that phrase before?

13 A. I use it often, yes.

14 Q. And the keyboard warrior is somebody who can
15 sit behind a keyboard and use a device of social
16 media and say things they normally wouldn't say or
17 mean in public; is that fair?

18 A. Very normal.

19 Q. Okay. And would you also agree with me that
20 some people come to groups to then, for lack of a
21 better word, feel better about themselves. Would
22 you agree with that?

23 A. Yes.

24 Q. Because with the value of the group, they can
25 build their own self-esteem, correct?

1 A. Sure.

2 Q. They can come across somebody that's
3 knowledgeable in order to seek praise because they
4 are not as confident about themselves as they should
5 be.

6 A. Yes.

7 Q. Okay. Would you agree with me that the
8 organization of this channel was kind of an outlier
9 compared to what else you have seen?

10 A. What do you mean exactly?

11 Q. Well, you said before that certain things --
12 there's kind of some outliers in that, you know, as
13 far as age goes, if somebody who was older joining
14 this group would be somewhat of an outlier. Do you
15 remember testifying to that?

16 A. Yes.

17 Q. Do you agree with me that this channel was
18 unique and somewhat outside the norm. Would you
19 agree with me on that?

20 A. From a couple of points of view, yes.

21 Q. And would you agree with me that, as far as you
22 know, there is no direct connection between anything
23 that was said in this channel to any specific
24 terrorist attack? Would you agree with that?

25 A. From an operational point of view, I'm not

1 aware of a connection.

2 Q. So there's no direct connection that anybody
3 who participated in a terrorist attack was a member
4 of this channel, correct?

5 A. As far as I know, yes.

6 Q. And also, as far as you know, there's no direct
7 connection between anybody who actually traveled to
8 Syria to join ISIS; is that correct?

9 A. Correct. There are several claims to that in
10 the conversations, but I have no evidence of that.

11 Q. Okay. And so as you sit here today, you cannot
12 say, even though there's discussion about
13 mobilization, whether or not that, in fact, is true;
14 isn't that correct?

15 A. I don't have evidence, yeah, correct.

16 Q. And you did talk about, as far as age goes
17 again, about people that may join ISIS. What was
18 like the median age through your studies that you
19 determined?

20 A. 24, 25.

21 Q. 24, 25, okay. And are you aware that Mr. Rahim
22 is 42 years old?

23 A. I am.

24 Q. Okay. Now, the other thing I wanted to talk to
25 you about is, in some of these, if we talk about --

1 let me ask it this way: Has there been occasions
2 where ISIS has taken responsibility for a terrorist
3 attack that they weren't really involved in?

4 A. Yes.

5 Q. Okay. And is Nice one of those?

6 A. It depends on what you mean by "involved."

7 Q. Okay. Well, let me ask it this way: If
8 somebody who is a supporter of -- say they are a
9 supporter of ISIS and then commits a terrorist
10 attack or an attack of some kind, they are not
11 acting at the direction or control of ISIS, correct?

12 A. Correct.

13 Q. Okay. And so they are not -- ISIS didn't --
14 the leadership of ISIS didn't plan it, formalize it,
15 and send this person to commit it, correct?

16 A. Correct.

17 Q. Okay. And so in that situation, ISIS will take
18 credit for it, but they didn't actually plan it or
19 commit it, correct?

20 A. Correct. ISIS-inspired we generally call it.
21 The majority of plots we have seen in the West
22 follow exactly that module. The individual who
23 carried out the attack was not operationally
24 connected to ISIS, it was simply ISIS-inspired.
25 Some cases might have had contact through social

1 media, but he's a consumer of ISIS. Propaganda buys
2 into the message and activates himself
3 spontaneously. That's statistically the majority of
4 attacks in the west.

5 Q. Okay.

6 A. ISIS sees them as members, though. That's the
7 revolution that ISIS brought to terrorism. Somebody
8 that carries out an action on ISIS behalf,
9 irrespective of any kind of physical contact with
10 the organization is a member of ISIS.

11 Q. Okay. But ISIS, the leadership, is not
12 directing or controlling or providing the tools to
13 commit it, correct?

14 A. Correct.

15 Q. And does Nice fall into that category?

16 A. Purely inspired, yes; as far as what's publicly
17 known, yes, purely inspired.

18 Q. Does Orlando fall into that?

19 A. Yes.

20 Q. Does Istanbul fall into that?

21 A. Istanbul is slightly different, because if the
22 perpetrators in Nice and Orlando, as far as I know,
23 had no connection whatsoever to ISIS other than had
24 bought into the ideology. The perpetrator of the
25 Istanbul attack had a long pedigree, long experience

1 with ISIS and other affiliated groups. It's unclear
2 whether it was directed by ISIS, but it definitely
3 had connections to the attack; slightly different.

4 Q. And you've talked about -- maybe you haven't
5 yet -- is the majority of people who actually went
6 to fight for ISIS in Syria came through the Turkish
7 border, correct?

8 A. Vast majority, yes.

9 Q. And if you were to join up with them through
10 Jordan, that would be an outlier or different,
11 correct?

12 A. It would be an outlier, yes.

13 Q. Okay.

14 A. It has happened, but . . .

15 Q. But that's not the norm, correct?

16 A. The norm is through Turkey.

17 Q. And in the transcripts that you read, do you
18 recall reading -- there was a section where one of
19 the people asked, "how do I get to Turkey? How do I
20 immigrate to Turkey?"

21 A. Yes.

22 Q. And do you remember Mr. Rahim's response was he
23 did not know?

24 A. Yes.

25 Q. Okay. You mentioned something else I just

1 wanted to ask more questions about. You talked
2 about how sometimes on social media they were being
3 monitored or the government was listening, something
4 to that effect. Do you remember that?

5 A. Yes, sir.

6 Q. And it related to if they had a password it
7 would be a private channel?

8 A. (No audible answer.)

9 Q. Then if they then went to a private channel,
10 they thought it wasn't going to be --

11 A. Encryption, not a password, it's about
12 encrypted. Certain platforms have a higher level of
13 encryption. They're more secure than others. So
14 generally when the conversation becomes more
15 operational and sensitive, there's a tendency to
16 move to platforms where the level of encryption is
17 higher, where there's the belief it's more difficult
18 for law enforcement to monitor the conversation.

19 Q. I'm just trying to, the way you said it is,
20 there's a belief that it's more secure, but is that
21 really true?

22 A. Sometimes yes, sometimes no.

23 Q. Okay. Just so I'm clear, what all did you look
24 at to prepare for your testimony today? What were
25 you provided to review?

1 A. I was provided a large amount of the
2 conversations, I do believe all of them, the
3 conversations from the platform, from the channel.

4 Q. And were you aware that those -- that the
5 origin of those conversations came from a website
6 where there were just maybe potentially snippets of
7 a larger conversation?

8 A. Yes.

9 Q. Okay. Would you agree with me that, in order
10 to determine what's being said or the meaning of
11 things, context does matter?

12 A. Of course.

13 Q. And listening to an entire conversation gives
14 you more context than just a portion of it.

15 A. Of course.

16 MR. WHALEN: I will pass the witness.

17 THE COURT: Redirect.

18 MS. MEEKS: Thank you, Your Honor.

19 **REDIRECT EXAMINATION**

20 **BY MS. MEEKS:**

21 Q. Dr. Vidino, the defense asked about other users
22 being on the channel. Can you tell from the context
23 of the defendant's statements whether he was talking
24 to someone?

25 A. He was, most of the time, yes, absolutely. And

1 of course even the long sermons was obviously
2 intended for an audience.

3 Q. And the people that there were certain -- that
4 we had read, and certainly there are other questions
5 from other users in those transcripts, what does
6 that show you with the questions that were asked of
7 the defendant?

8 A. The interaction was very frequent. There was
9 an expectation that the Q and A would go on, and the
10 relationship was that people looked up to the
11 defendant. As I said, it wasn't a two-way street,
12 it was always people asking him questions. I don't
13 think I've seen a single occasion where it is the
14 defendant who asks questions to somebody else.

15 Q. And he was often called sheikh?

16 A. Yes.

17 Q. What would that mean to you? How would you get
18 that title, "sheikh"?

19 A. It is a title who is given to somebody who is
20 particularly knowledgeable and wise. It's -- again,
21 it entails a relationship of subordination. You
22 refer to sheikh as somebody who is above you and
23 whose wisdom you rely upon.

24 Q. So someone you would presumably have listened
25 to.

1 A. Absolutely.

2 Q. And you had talked a little bit about the
3 encrypted applications. Do you typically see that
4 when conversations go operational -- and please
5 describe what you mean by operational -- that they
6 go to those other platforms?

7 A. Yes, that it is what normally happens when --
8 these platforms, these channels, serve a variety of
9 purposes. There are always initial conversations
10 where people share propaganda, share thoughts, share
11 views. And then, of course, at times the
12 conversation, particularly when two or more
13 individuals trust one another, they want to talk
14 about something more operational. By operational I
15 mean mobilizing; I mean finding ways to travel to
16 join ISIS; finding ways to carry out the attacks;
17 things that are more sensitive and the people who
18 are active on these platforms know will be
19 incriminating and attract even further attention
20 from law enforcement. So what happens is, these
21 individuals move the conversations to other
22 platforms that they believe to be more difficult for
23 law enforcement to monitor.

24 Now, of course, there are some individuals who
25 are extremely savvy in how they move from one

1 platform to the other, and others are not as clever,
2 as slick, but that's generally the modus operandi.

3 Q. So when there is a reference to moving to the
4 private, is that what you believe that to indicate?

5 A. Yes, that's exactly what it means.

6 Q. The people that are in the room, the defense
7 had mentioned that they were like-minded, and you
8 had talked about spectrum of folks who would be
9 listening.

10 Do you see any of them as susceptible to
11 influence or seeking information based on what you
12 had seen?

13 A. There are quite a few that are asking
14 questions. Again, very, very clearly already ISIS
15 sympathizer, they are not really in doubt. But, of
16 course, like anything, one can be a supporter of
17 something to some degree, or one can be a diehard
18 supporter of something.

19 Clearly, these individuals who are less
20 enthusiastic are asking questions. They are more in
21 the beginning of a radicalization trajectory and
22 they ask questions, and the defendant is the one --
23 him and a few others providing the answers.

24 Q. So when you've seen recruitment efforts in your
25 studies and your experience, does recruitment

1 involve motivating?

2 A. Yeah, absolutely. That's a big component.
3 It's coaching, it's handholding, it's motivating in
4 different ways, because, of course, no two people
5 are alike. So somebody would be more triggered by
6 something, by a more softer approach. Somebody else
7 might be more motivated by almost egging him on.

8 Psychology is a big part of it, but that's how
9 recruitment works. It's to some degree -- I mean a
10 lot of studies find the similarities with grooming
11 online with pedophiles or other dynamics. You try
12 to create the bond. You try to find what is the key
13 to motivate the person, and you try to push that
14 person in a certain direction. That's basically how
15 these platforms work.

16 Q. So would you consider a recruiter different
17 than a keyboard warrior?

18 A. In the sense that what he is trying to achieve
19 is then move the target of his recruitment effort
20 into doing something in the physical world, moving
21 him to mobilize, moving him to travel, to carry out
22 attacks. The online space is always linked to the
23 offline space. One goes -- what happens online is
24 basically done to achieve something in the offline.

25 Q. Okay. One of the things that was mentioned is

1 this channel is unique, outside the norm. In what
2 ways?

3 A. I would say in the size of the individuals
4 involved in it.

5 Q. Do you mean the membership size?

6 A. Yeah. If I compare it to other channels,
7 generally it's in the few-hundred individuals that
8 are part of it; here, the size seems to be much
9 bigger. And then in -- yeah, the level of
10 sophistication, and I mean by that, both have sort
11 of a formalized structure in it. It's not the only
12 case I have seen, but, generally speaking, you don't
13 see it.

14 And in the level of knowledge that the
15 defendant and a few other people have, they know
16 what they are talking about. Sometimes, in
17 particular in a U.S. setting, a lot of ISIS
18 sympathizers really have very limited knowledge of
19 ISIS, even of Islam in many cases. And I think in
20 this case it's quite different, there's a fairly
21 deep knowledge of all these dynamics.

22 Q. And one of the things you were asked from the
23 defense also is that traveling from Turkey into
24 Syria was most common, but people do travel from
25 other locations; is that right?

1 A. Yes. There's been people that have traveled
2 from Lebanon, from Jordan, and a smaller number from
3 the Kurdish areas of Iraq.

4 Q. Why would a person choose to travel from Jordan
5 or Lebanon or those other areas?

6 A. Most of those that travel from Jordan or
7 Lebanon are Jordanian or Lebanese. So if you are in
8 Jordan, which is a country that borders with Syria,
9 it makes more sense. You know the smuggling routes.
10 Even the Jordanian government has patrolled the
11 border between Jordan and Syria in a much better way
12 to know than the Turks have done for their on
13 border, any border can be crossed at the end of the
14 day. So particular individuals who are local, from
15 Jordan, have found ways to cross the border. In
16 fact, Jordanian government estimates about 3,000
17 Jordanians have crossed the border and joined ISIS
18 from Jordan.

19 Q. So if a person was more familiar with Jordan
20 than Turkey, that might be a more logical choice.

21 A. It might be, yeah.

22 Q. And in your expert opinion, was the defendant,
23 in his statements and his actions, attempting to
24 recruit and radicalize for ISIS?

25 MR. WHALEN: Objection, Your Honor.

1 THE COURT: Okay. Why?

2 MR. WHALEN: I think it goes to the
3 ultimate issue, Your Honor.

4 THE COURT: And your response?

5 MS. MEEKS: The response would be, it's
6 not the defendant's intent that is being elicited
7 here, it's one of the actions that were consistent
8 with that of recruitment.

9 THE COURT: Okay. Overruled.

10 Q. (By Ms. Meeks) In your expert opinion, were
11 the actions and statements made by the defendant
12 consistent with recruitment efforts for recruitment
13 and radicalization for ISIS?

14 A. Yes, very much so.

15 MS. MEEKS: Okay. Thank you.

16 THE COURT: Mr. Whalen.

17 **RECROSS-EXAMINATION**

18 **BY MR. WHALEN:**

19 Q. We talked about, you know, they all come in,
20 they are all already -- they already have some
21 sympathy, correct?

22 A. Okay.

23 Q. And you mentioned it's kind of like the avid
24 fan versus the casual fan?

25 A. Sort of, yes.

1 Q. Is that kind of how you described it?

2 A. Yeah.

3 Q. Here's the way I understand that: I love Penn
4 State football because I went to Penn State, so I
5 love Penn State football. But there's also Penn
6 State football fans that can tell you the depth
7 chart, where we're weak, what plays are run, right?
8 Because they study it. But it doesn't change the
9 fact that we are both equally fans. Would you agree
10 with that?

11 A. Yeah, sort of.

12 Q. And the information that you talk about that he
13 says he has a lot of knowledge about, that
14 information is all readily available on the
15 Internet, in the Quran, and in multiple sources.
16 Would you agree with that?

17 A. Not in the Quran, specifically; in ISIS
18 propaganda, yes.

19 Q. You can find it.

20 A. You can find it in other places, yes, of
21 course; yes.

22 Q. And obviously, your organization puts papers
23 out that people can read and study those and
24 understand the dynamics of what goes on in the
25 world, correct?

1 A. Sure, yes.

2 Q. And if you have the interest, you can find it.
3 Would you agree with that?

4 A. Yes, of course.

5 Q. Now, getting to this other question about a
6 keyboard warrior could say -- could type the same
7 thing, just like somebody who may have the intent to
8 say the same -- to recruit people, the words on the
9 paper are going to be the same, correct?

10 A. Correct.

11 Q. Okay. But you can't determine what's in a
12 person's head, can you?

13 A. No, of course not.

14 MR. WHALEN: All right. I will pass the
15 witness.

16 THE COURT: Anything else?

17 MS. MEEKS: No further questions, Your
18 Honor.

19 THE COURT: You may step down.

20 May this witness be excused?

21 MS. MEEKS: Yes, Your Honor.

22 MR. WHALEN: Yes, Your Honor.

23 THE COURT: Dr. Vidino, please remember
24 not to talk about the case until it's over. Okay?

25 Thank you very much.

1 Call your next witness.

2 MS. MARTIN: Yes. The government calls
3 Marshal Major Cristiano Napoletano.

4 THE COURT: Okay.

5 Who is the witness?

6 MS. MEEKS: Your Honor, this is the
7 interpreter.

8 (Witness sworn.)

9 THE WITNESS: I so swear.

10 THE COURT: Okay. Okay.

11 COURT SECURITY OFFICER: Have him state
12 and spell his first and last name.

13 THE INTERPRETER: Cristiano Napoletano.
14 C-H-R-I-S-T-I-A-N-O, N-A-P-O-L-I-T-A-N-O.

15 Your Honor, would you like me to put my
16 information on the record?

17 THE COURT: Would you like for her to put
18 her information on the record?

19 MS. MARTIN: Yes, Your Honor. And would
20 you prefer to give her the interpreter's oath on the
21 record, as well?

22 THE COURT: Yes, yes. I'm not used to
23 this, because I didn't know you were going to have
24 an interpreter.

25 Raise your right hand.

1 (Interpreter sworn to interpret from
2 English to Italian and Italian to English.)

3 THE INTERPRETER: I do.

4 THE COURT: Go ahead and state your name
5 and all about your background.

6 THE INTERPRETER: Martitia,
7 M-A-R-T-I-T-I-A, Palmer, registered with the
8 Judicial Council of California, Number 700127.

9 THE COURT: Okay. And you're going to
10 need to have the microphone.

11 THE INTERPRETER: For French and Italian.

12 THE COURT: I'm going to need the
13 microphone close to you, because you will be the one
14 doing the talking.

15 THE INTERPRETER: That's fine.

16 THE COURT: All right. As best we can.
17 All right. Go ahead.

18 **CRISTIANO NAPOLETANO,**
19 **having been first duly sworn, testified as follows:**

20 **DIRECT EXAMINATION**

21 **BY MS. MARTIN:**

22 Q. Can you tell us where you work?

23 A. I work at the Special Organizational Group of
24 the Carabinieri, C-A-R-A-B-I-N-I-E-R-I. This is
25 Special Group of the Carabinieri was founded in

1 1974. And the reason it was created was to prevent
2 and go after the terrorist groups that at the time
3 were called the Red Brigades. And there was a lot
4 of violence in these groups in Italy. So this
5 special law enforcement organization was formed to
6 combat this terrorism.

7 THE COURT: Ask another question.

8 MS. MARTIN: Yes, Your Honor.

9 Q. (By Ms. Martin) Now, what is the Carabinieri?
10 What is the Italian Carabinieri?

11 A. So there are the police and the Carabinieri,
12 these two different law enforcement agencies that
13 have been created to prevent and to enforce the laws
14 and to go after any kind of crime.

15 So the Carabinieri have a more military focus,
16 whereas the police is more -- is considered to be
17 more civil matters.

18 Q. Now, what group within the Carabinieri are you
19 assigned to?

20 A. So I'm in the Antiterrorism Group of the
21 Carabinieri, and I deal specifically with
22 antiterrorist activities with particular focus on
23 all the investigations on the internet.

24 Q. Let me ask another question.

25 Are you a member of the ROS?

1 A. Yes.

2 Q. What does that stand for?

3 A. The *Raggruppamento Operativo Speciale*, so it's
4 a special operational group.

5 Q. You said you focus on internet and technology.

6 A. Yes.

7 Q. And how long have you been doing that?

8 A. Fifteen years.

9 Q. In your position with the Carabinieri and the
10 ROS, did you become involved in an investigation in
11 2016 of an individual named Monour el Aoual?

12 A. Yes.

13 THE COURT: Could you spell that name?

14 MS. MARTIN: Yes, ma'am. M-O-N-O-U-R,
15 E-L, A-O-U-A-L.

16 THE COURT: Okay. Thank you.

17 Q. (By Ms. Martin) How did you first learn about
18 this individual?

19 A. The FBI had sent some news about him, some
20 information to our special antiterrorist group.

21 Q. And based on that, did you open an
22 investigation of your own?

23 A. Yes.

24 Q. When you first learned about this, did you know
25 his actual name?

1 A. No.

2 Q. What name did you know him as?

3 A. Ibn Dawla.

4 THE COURT: Can you spell that?

5 MS. MARTIN: Yes. I-B-N, D-A-W-L-A;
6 sometimes H.

7 Q. (By Ms. Martin) So you knew this individual as
8 Ibn Dawla.

9 A. I knew from the information the FBI had
10 provided us with that this individual named
11 Ibn Dawla was planning some kind of terroristic
12 attacks. At that point we thought it was with
13 knives.

14 Q. And did you begin to try to identify the
15 individual?

16 A. Yes.

17 Q. How did you begin to identify him?

18 THE COURT: Can we find out when?

19 Q. (By Ms. Martin) When?

20 A. In February of 2016.

21 Q. And what did you do to try to identify him?

22 A. FBI had already told us, apart from the name
23 Ibn Dawla, that he was on a chat room named Zello.
24 Zello is a communication app where the various users
25 of Zello are able to speak among themselves.

1 Q. Did you, as part of your investigation, start
2 looking into IP addresses?

3 A. Yes, because we found the email that was used
4 by Ibn Dawla, and we also were able to discover some
5 of the IP addresses. And so these particular emails
6 corresponded to the IP address, so we knew it
7 belonged to Ibn Dawla. And that particular address
8 was Salah, S-A-L-A-H, 1998 D, like D, at Gmail.com.

9 Q. Now, Marshal Major Napoletano, you have
10 testified in courts before; is that correct?

11 A. No.

12 Q. Have you testified in Italy?

13 A. Not on this case and not on this case in court.

14 Q. What about other cases?

15 A. Oh, yes.

16 Q. And when you testify in Italy, is it more of a
17 running narrative?

18 A. It's more like an interrogatory.

19 Q. Okay. And so I'm just going to ask that you
20 let me ask a question before you continue with the
21 narrative.

22 A. Okay.

23 Q. Once you identified the IP addresses, what did
24 you do next?

25 A. Well, the IP address led back to a particular

1 residence in Turan.

2 Q. Who lived at that residence in Turan?

3 A. A 50-year-old lady lived at that address in,
4 Turan. Margherita, M-A-R-G-H-E-R-I-T-A, Scarano,
5 S-C-A-R-A-N-O. And her son, Franceschini --
6 Giuliano Franceschini, G-I-U-L-I-A-N-O,
7 F-R-A-N-C-E-S-C-H-I-N-I.

8 Q. And when you learned who lived there, what did
9 you do next?

10 A. We continued to do research on his profile and
11 who this man was, Ibn Dawla, on FaceBook as well.
12 And that profile also corresponded to the name
13 Saladin, S-A-L-A-D-I-N.

14 Q. And where did you find the name Saladin?

15 A. Saladin was also connected with Saladino, with
16 an "O" ending, who was a Kurtish fighter, who was a
17 fervent crusader, who fought during the crusades.

18 Q. Now, did you link that name to any specific
19 FaceBook profiles?

20 A. I'm not sure I understood the question.

21 Q. You said you had an email and you linked it
22 with FaceBook profiles.

23 A. Certainly, yes.

24 Q. Was that name, Saladin, was that common between
25 the FaceBook profile and the email?

1 A. Yes, because the first part of the email was
2 Salah, S-A-L-A-H, and then 1998, which is the date,
3 and then the "D" could have been an initial for Din,
4 D-I-N.

5 Q. Was the date in 1988 significant?

6 A. It's 1988.

7 Q. I'm sorry. Was that date significant?

8 A. We were able to connect it up with the date of
9 birth of el Aoual Monour.

10 THE COURT: Could you spell that?

11 THE INTERPRETER: Do you mind?

12 MS. MARTIN: Not at all.

13 THE COURT: Does she know how to spell it?

14 MS. MARTIN: Yes. He's just saying the
15 last name and first name.

16 THE COURT: Would you spell it, please?

17 MS. MARTIN: Yes. The last name is E-L,
18 A-O-U-A-L. And the first name is M-O-N-O-U-R.

19 Q. (By Ms. Martin) Were you able to -- how were
20 you able to link Mr. el Aoual with that address?

21 A. As I said before in the profile, in his
22 profile. So in the Saladin profile, they had posted
23 a picture of el Aoual Monour together with Giuliano
24 Franceschini. And we had checked on Giuliano
25 Franceschini in February of 2016 to get -- who was

1 together with a Moroccan citizen who had been
2 identified as el Aoual Monour.

3 Q. Okay. And once you had connected that
4 together, were you able to determine where el Aoual
5 was living?

6 A. Certainly. Together with my colleagues in
7 Turan, we were able to put it under surveillance
8 outside the house where he lived where we were able
9 to see el Aoual Monour come out of the Scarano home
10 at least on two occasions.

11 Q. Did you at any point put up a pole surveillance
12 on the home?

13 A. Yes, we were -- we also put a video camera on a
14 pole also while we were doing the undercover
15 surveillance and the wiretapping for which we had
16 official orders. Because there was an antidrug
17 center right in the area, we weren't able to put any
18 more cameras than that.

19 Q. But you did have one camera on the residence.

20 A. Yes, yes.

21 Q. And you had mentioned some wiretaps. Were you
22 able to wiretap the residence where they lived?

23 A. Yes. Yes, we did wiretap the residence.

24 Q. And what kind of phone or phone line were they
25 using at the residence?

1 A. Yes, they were -- yes, it was a fixed DSL line
2 that was wiretapped.

3 Q. And so were you able to collect information
4 from the internet traffic as well?

5 A. Yes, and we also wiretapped the internet.

6 Q. How do you start -- or how do you go about
7 getting an official order for a wiretap in Italy?

8 A. In order to have a wiretap order in Italy, you
9 have to have very strong proof that there's a crime
10 about to be committed or a crime underway. Because
11 the free -- the freedom of information across
12 communicative lines is guaranteed in the Italian
13 Constitution, which we consider the mother of all
14 laws.

15 Q. Who determines whether or not you have the
16 evidence you need?

17 A. We present a request to the Prosecutor of the
18 Republic, and he evaluates if it is worthy of
19 receiving an order to wiretap and whether -- and
20 once he or she establishes that the conditions are
21 correct, they send -- he sends it on or she sends it
22 on to the preliminary judge of -- the preliminary
23 investigation judge, which is another important
24 figure within the judicial establishment. And that
25 judge also evaluates if any citizens' rights have

1 been violated. And if it is -- it's on a premise
2 that is completely legal.

3 Q. Okay. Now, once that has been evaluated -- or
4 in this case, was that information evaluated?

5 A. Yes.

6 Q. And was an order issued?

7 A. Oh, yes, yes.

8 Q. And how many days initially were you approved
9 for the wiretap?

10 A. From February of 2016 until April of 2017.

11 Q. Did you have to go back and get more permission
12 from the judge?

13 A. Yes. The first request can last up to 40 days,
14 and then you can continue requesting a 20-day
15 extension over and over. And you have to respect
16 the same conditions and terms of the initial
17 request.

18 Q. Now, once that request was granted, where is
19 the information collected?

20 A. In Italy, all the content of any wiretapping
21 are reserved only in the prosecutors's office, the
22 Prosecutor of the Republic, on their private
23 servers. And they are not accessible to anybody
24 unless you have a judicial order.

25 Q. Now, you say that they are not accessible, but

1 are you able to listen to them?

2 A. Yes, we are able to listen to them, and then to
3 take down any conversations that are pertinent. But
4 you can't modify the content in any way whatsoever.

5 Q. Where are you physically located?

6 A. In Rome.

7 Q. Do you have ROS officers or agents in Turan?

8 A. Yes. Yes, we have a branch in Turan; in fact,
9 in most major cities in Italy.

10 Q. Were you both able to listen to the wiretap as
11 it came in?

12 A. We could listen to them both at the same time.
13 And since we were the ones to ask for the extensions
14 to the prosecutor in Rome, we would double-check all
15 of the wiretaps, and -- which were then sent to the
16 prosecutor, who would give us a 20-day and another
17 20-day extension.

18 Q. Now, what about the video footage? Were you
19 also able to review of the video footage where you
20 were in Rome?

21 A. Yes.

22 Q. And I'm talking specifically about the DSL
23 wiretap.

24 A. Yes.

25 Q. Were you able to capture any audio or

1 conversations involving Monour el Aoual?

2 A. Yes.

3 Q. How were you are able to capture those?

4 A. Because they were all conversations that took
5 place on that wiretapped line, and the only person
6 that was speaking in Arabic was el Aoual Monour.

7 Q. Was he on the phone in the apartment?

8 A. He had nothing that was in his own name, and so
9 he would use the phone in the home that belonged to
10 Margherita Scarano to receive communication and to
11 talk to people.

12 Q. Would he also use a cell phone?

13 A. He would -- he would connect -- use the cell
14 phone to connect to the DSL for the wireless.

15 Q. So he would use WiFi to talk on the phone?

16 A. Yes, which was in -- the WiFi was connected to
17 the DSL at the home.

18 Q. I believe you testified that the FBI gave you
19 information about Ibn Dawla initially.

20 A. Yes.

21 Q. And so were they able to provide you with the
22 social media application Ibn Dawla or el Aoual was
23 using?

24 A. Yes, they informed me that he was in contact
25 with other people on Zello.

1 Q. Once you obtained your wiretap, were you able
2 to intercept his conversations on Zello?

3 A. Yes.

4 Q. Now, when the FBI proceeded with their case
5 here in the United States, were you able to share
6 information between your two agencies?

7 A. We did share some things.

8 Q. And at some point, did the FBI, through a
9 mutual legal assistance treaty, request your
10 evidence from your wiretap?

11 A. Yes.

12 Q. And is that up to you whether or not that
13 request is granted?

14 A. No, it's the prosecutor that always gives
15 permission to exchange information according to the
16 treaty.

17 Q. And how do you know whether that happens?

18 A. Yes, I know, because a request was made, and it
19 was sent to the prosecutor in Turan.

20 Q. Does the Court have to order that request be
21 granted?

22 A. Yes.

23 Q. Was that done in this case?

24 A. Certainly.

25 MS. MARTIN: Your Honor, may I approach

1 the witness?

2 THE COURT: You may.

3 Q. (By Ms. Martin) Marshal Major Napoletano, I
4 have handed you what's been marked as Government's
5 Exhibit 70.

6 A. Yes.

7 Q. Do you recognize that?

8 A. Yes. Yes, and you can see on the back it also
9 has -- it states that it's the Prosecutor of the
10 Republic and the Court of Turan and the name of the
11 prosecutor in Turan. And those are the wiretaps of
12 el Aoual Monour during the whole proceeding.

13 Q. And is that all contained on that hard drive?

14 A. Yes.

15 MS. MARTIN: Your Honor, I believe that
16 this exhibit is already admitted for record
17 purposes.

18 THE COURT: It's admitted for record
19 purposes. Is it admitted for all purposes now?

20 MS. MARTIN: I would move to admit it for
21 all purposes now.

22 THE COURT: Mr. Whalen?

23 MR. WHALEN: Your Honor, we would just
24 object in that it be admitted for just record
25 purposes.

1 THE COURT: Do you need it for more than
2 record purposes?

3 MS. MARTIN: Your Honor, subsequent
4 exhibits were taken from that hard drive that we
5 would move to admit for all purposes. If that
6 occurs, record purposes is okay with the entire hard
7 drive.

8 THE COURT: Why do you need it for all
9 purposes? I mean, you want it for record purposes,
10 and I agree with that, but you want it for all
11 purposes or record purposes?

12 MS. MARTIN: Your Honor, could we revisit
13 it after I have attempted to admit the other
14 exhibits?

15 THE COURT: Yes. So we're going to admit
16 it for record purposes. It's in for record purposes
17 right now.

18 MS. MARTIN: Thank you, Your Honor.

19 Q. (By Ms. Martin) Does that contain all the
20 evidence from your investigation?

21 A. Yes.

22 Q. Were you able to help narrow down specific
23 sessions that we were interested in here in the
24 United States?

25 A. Yes, with the following order, successive

1 order, those were extracted.

2 Q. From that evidence.

3 A. Yes, from the server that belonged to the
4 prosecutor and then from here. Because this is the
5 same as what's in the prosecutor's office.

6 Q. Have you -- is all the audio in Arabic?

7 A. Yes, but -- most of it, yes, the majority.

8 Q. Does el Aoual also speak Italian?

9 A. Very badly. And he would speak it mostly with
10 Franceschini and maybe a few other friends of
11 Franceschini's. That was about it.

12 Q. Were you able to come to recognize the voice of
13 Ibn Dawla on the wiretaps?

14 A. It's not that I could really hear it, because
15 it's in Arabic. But Arabic linguists listened to
16 it, and then they translated and it is recorded,
17 they transcribe it.

18 Q. And they translated it. Did you read the
19 summaries of those translations?

20 A. Yes. Yes. They were also rechecked and
21 double-checked, and then sent to the prosecutor's
22 office in Rome.

23 Q. Well, if you don't speak Arabic, how did you
24 know that Monour el Aoual was the Ibn Dawla on the
25 recordings?

1 A. Because during the wiretapping, el Aoual Monour
2 in February of 2016, during a conversation he was
3 having on Zello, which was more of a prayer rather
4 than a chant, where he was greeting all of his
5 friends, it was a kind of a poetry-type chant,
6 saying that they would meet all again in paradise.

7 He says he's outside on the balcony of the home
8 where he's living. He was very afraid, he said, of
9 being called -- that the police would be called,
10 because if he was heard by his neighbors they might
11 call the police.

12 But he was also celebrating the danger that he
13 found himself in. And at that particular moment,
14 the video camera that was placed right in front of
15 the residence has pictures of el Aoual Monour who is
16 on the phone. It was about 10:00 in the evening,
17 and you can see that the telephone is on.

18 Q. Was -- did anyone else in that apartment speak
19 Arabic?

20 A. Nobody else.

21 Q. So the Arabic coming on that line had to be
22 from Monour el Aoual.

23 A. Undoubtedly.

24 Q. I believe that you mentioned that there was
25 some pole camera footage. In front of you I have

1 handed you what has been marked as Government's
2 Exhibit 72.

3 A. Yes. That's -- that's the residence I
4 described.

5 Q. Is that an accurate depiction of the pole
6 camera footage as you have reviewed it?

7 A. Yes, yes.

8 Q. Have any changes or alterations been made to
9 it?

10 A. No.

11 MS. MARTIN: Your Honor, at this time the
12 government would move to admit Government's Exhibit
13 72.

14 THE COURT: Mr. Whalen.

15 MR. WHALEN: No objection.

16 THE COURT: 72 is in.

17 MS. MARTIN: Your Honor, may we publish
18 that?

19 THE COURT: Yes.

20 Q. (By Ms. Martin) Marshal Major, is this the
21 pole camera footage you were referring to earlier?

22 A. Yes.

23 Q. And in the top center of that photograph, what
24 are we looking at?

25 A. We see the residence where el Aoual Monour was

1 living. And we also see that the phone is on and
2 that he is chanting or singing in some way while on
3 the phone.

4 Q. And is this the photograph that you were
5 talking about that matched up with the wiretap?

6 A. Yes. Yes, everything corresponds, the dates
7 and the times.

8 Q. Now, if you will take a look -- that's good.
9 Thank you.

10 If you will take a look at Exhibit 71 that's
11 also in front of you. What are those?

12 A. These are profiles of -- photographs of Zello
13 users and specifically of the Caliphate, the -- the
14 Islamic State.

15 Q. And when you say that, are you talking about
16 the State of the Islamic Caliphate channel?

17 A. Yes.

18 Q. And did you obtain those as part of your
19 investigation?

20 A. Yes.

21 Q. And were those included in the evidence you
22 produced or that the Italian government produced?

23 A. Yes.

24 MS. MARTIN: Your Honor, at this time the
25 government moves to admit Government's Exhibit 71.

1 THE COURT: Any objection?

2 MR. WHALEN: Objection as to predicate,
3 Your Honor.

4 THE COURT: Overruled. 71 is in.

5 MS. MARTIN: Your Honor, may we publish?

6 THE COURT: Yes, you may.

7 Q. (By Ms. Martin) What do we see here in the
8 first page of Exhibit 71?

9 A. Yes.

10 Q. If we can see page 2.

11 Is this also a profile picture?

12 A. Yes.

13 Q. What is this a picture of?

14 A. This is al-Adnani, A-D-N-A-N-I.

15 Q. And who is al-Adnani?

16 A. He was the official spokesman for the Islamic
17 State.

18 Q. If we can see page 3, please.

19 A. That's Osama bin Laden.

20 Q. Was that also a profile picture on Zello?

21 A. Yes.

22 Q. Who is Osama bin Laden?

23 A. He was the founder, as well as the -- as the
24 head of Al Qaeda.

25 Q. Proceed to the next one.

1 Is that another profile picture?

2 A. Yes.

3 Q. And what do you see in the top right corner of
4 that picture?

5 THE COURT: Just so I'm clear, where are
6 these profile pictures from?

7 Q. (By Ms. Martin) Where are these profile
8 pictures from?

9 A. These are the -- are the photos of the users of
10 Zello. They were taken from Zello.

11 THE COURT: Okay. And in 2016?

12 THE WITNESS: Yes.

13 Q. (By Ms. Martin) In the top right corner, what
14 do you see there?

15 A. This is the flag of the Islamic State.

16 Q. If we could see the next one, please.

17 Do you know who that is?

18 A. No, but it's obviously an Islamic State
19 militant or fighter.

20 THE COURT: On that note, Ms. Martin, I'm
21 going to go ahead and let the jury have their
22 afternoon break. We've been going for two hours
23 now. So we will break for 15 minutes. Be back here
24 at ten till four.

25 And remember, please don't talk about the

1 case. Don't look at anything about the case. Don't
2 breathe anything about the case. Just talk about
3 anything else. All right.

4 (Jury exits courtroom.)

5 THE COURT: Do you need me for any reason?

6 MS. MARTIN: No, Your Honor.

7 THE COURT: All right.

8 (Recess taken.)

9 THE COURT: Let's continue with the direct
10 examination of this witness.

11 MS. MARTIN: Thank you, Your Honor.

12 If we could see the next page.

13 Q. (By Ms. Martin) Marshal Major, what is this?

14 A. This is another Zello user. It's his profile.

15 Q. And what is the top center, what is that
16 circle?

17 A. It's the symbol of the Islamic State.

18 Q. What about in the bottom portion of the page,
19 what is that?

20 A. It's a kind of an armament of some kind, and
21 you can see a bullet coming out of that rifle.

22 Q. Does the bullet have red on the end of it?

23 A. Yes.

24 Q. What does that represent?

25 A. It could be blood.

1 Q. Next one.

2 What is this?

3 A. That's the image of the Caliphate room.

4 Q. And so you see the Zello logo in the top right
5 corner?

6 A. Yes.

7 Q. And then, again, on the left half, what do we
8 see?

9 A. It's the same. It's a symbol of the Islamic
10 State.

11 Q. And on the bottom do we see 4861?

12 A. Yes.

13 THE COURT: Is it 4861? Yes, it is.

14 Q. (By Ms. Martin) What does that indicate to
15 you?

16 A. Probably it's the number of participants in
17 that particular chat room.

18 Q. If we could see the last page, please.
19 And what is this?

20 A. It's another profile of a Zello user.

21 Q. And does he have some kind of mask on?

22 A. Yes.

23 MS. MARTIN: Thank you.

24 Q. (By Ms. Martin) Marshal Major, also in front
25 of you is Exhibit -- Government's Exhibit 73.

1 Can you tell the jury what that is?

2 A. So this is the administrator, the creator of
3 the chat room for the Islamic State on Zello.

4 Q. And that's his page?

5 A. Basically it's the photo of his profile.

6 Q. And did you view that in evidence, in what you
7 collected as evidence?

8 A. Yes. Yes.

9 Q. And is that in the same or substantially the
10 same form it was when you collected it?

11 A. Yes; yes, exactly.

12 MS. MARTIN: Your Honor, at this time I
13 would move to admit Government's Exhibit 73.

14 THE COURT: I'd like to know how he knows
15 that, how he knows that that's the symbol of the
16 Caliphate or whatever.

17 THE WITNESS: Yes, because I recognize
18 that as the symbols of the declaration of faith and
19 the stamp of Mohammed, and those symbols have been
20 usurped and taken over by the Islamic State.

21 THE COURT: Okay. But what individual has
22 it, or is it assigned to an individual?

23 THE WITNESS: In this particular case, the
24 administrator, the user who created this profile,
25 used it as his symbol for his profile.

1 THE COURT: Okay. Mr. Whalen, any
2 objections?

3 MR. WHALEN: Yes, as to predicate, Your
4 Honor.

5 THE COURT: I overrule. I'm going to
6 allow 73 into evidence.

7 MS. MARTIN: Publish, Your Honor?

8 THE COURT: Yes.

9 Q. (By Ms. Martin) And is this what it looks like
10 coming in on a device, some type of phone?

11 THE INTERPRETER: Coming in on a phone?

12 Q. (By Ms. Martin) Is this image the image of
13 what a phone looks like on a Zello application?

14 A. Yes.

15 Q. And I believe you said this was the creator's
16 page?

17 A. Yes.

18 Q. And what do we see right here near the bottom?
19 It says "Sito web." What is that?

20 A. This is an address that was created by the
21 administrator of that site, of that website.

22 Q. And in your investigation, did you access this
23 link?

24 A. Certainly.

25 Q. What was on it?

1 A. We were able to retrieve 73 documents, and many
2 of them came from this media organization for the
3 Islamic State. And the name of that was El Wafa,
4 and the document spoke of armed jihad.

5 Q. Now, was this link accessible to anyone?

6 A. Certainly.

7 Q. And it looks like you took this image on
8 November 9th, 2016?

9 A. So that date represents the moment that that
10 user became a member.

11 THE COURT: What date?

12 THE INTERPRETER: November 9th, 2016.

13 THE COURT: Okay.

14 THE INTERPRETER: It's reversed in
15 Italian.

16 THE COURT: Okay.

17 Q. (By Ms. Martin) And was there more than one
18 version of the State of the Islamic Caliphate
19 channel?

20 A. I'm not sure I understood.

21 Q. I'll move on.

22 Let's talk about the other evidence you
23 provided to the FBI.

24 In addition to these images, did you also
25 provide audio recordings to the FBI?

1 A. Yeah. They're all contained there on the hard
2 drive.

3 Q. And that was produced pursuant to a court
4 order?

5 A. Yes.

6 Q. And you had summaries, transcription summaries
7 prepared for you in your investigation?

8 A. Yes, and those were for the judicial
9 authorities.

10 Q. And in this case, were you provided in the U.S.
11 Attorney's Office transcripts related to those
12 audios?

13 A. Yes.

14 Q. And those were prepared by the FBI linguist?

15 A. Yes.

16 Q. But were those interpreted for you?

17 A. Yes.

18 Q. And were they consistent with your
19 investigation?

20 A. Yes.

21 MS. MARTIN: Your Honor, at this time, the
22 government would move to admit the following
23 exhibits: 74, 75, 76, 77.

24 THE COURT: Okay. 74 -- 74, 75, 76.

25 MS. MARTIN: 77, 78, 79, 80, 81, 82, 83,

1 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96,
2 97, 98, 99, 100, 101, 102, 103, 104, 105, 106 and
3 107.

4 THE COURT: Mr. Whalen?

5 MR. WHALEN: Your Honor, can I take the
6 witness on a brief voir dire?

7 THE COURT: Yes, because I still don't
8 know if these are tied in with either Mr. -- with
9 our defendant or with the Italian guy. I just don't
10 know. Go ahead -- Mr. Rahim.

11 **VOIR DIRE EXAMINATION**

12 **BY MR. WHALEN:**

13 Q. Good afternoon.

14 A. And to you.

15 Q. Okay. Let me understand that the wiretaps that
16 you collected were in Arabic, correct?

17 A. Yes.

18 Q. Did you get them translated from Arabic to
19 Italian?

20 A. Yes.

21 Q. Okay. So when you listened to the translations
22 in English, the English translation was then
23 translated back to Italian?

24 A. Certainly.

25 Q. And did you -- so then are you able to

1 identify -- verify that the English translation is
2 correct to the translation that you heard?

3 A. Certainly.

4 Q. As it relates to these translations, do they
5 connect to anybody by the last name of Rahim?

6 THE INTERPRETER: I'm sorry, could you
7 repeat that?

8 MR. WHALEN: To the last name Rahim.

9 THE INTERPRETER: Rahim. Thank you.

10 A. Yes. There are conversations with respect to
11 him among the wiretapping.

12 MR. WHALEN: Okay. That's all I have,
13 Your Honor.

14 THE COURT: All right. What about the
15 Italian guy? Let's ask about that.

16 **DIRECT EXAMINATION (CONT'D)**

17 BY MS. MARTIN:

18 Q. Marshal Major, these recordings were obtained
19 in your investigation of a user on Zello; is that
20 correct?

21 A. Yes.

22 Q. And what was his user name on Zello?

23 A. Ibn Dawla.

24 Q. The Ibn Dawla we've been talking about?

25 A. Certainly.

1 THE COURT: Is that the Italian guy?

2 MS. MARTIN: Yes, Your Honor.

3 THE COURT: Okay. Do you want to offer
4 these?

5 MS. MARTIN: Yes, Your Honor.

6 THE COURT: All right. Any objection?

7 MR. WHALEN: No, Your Honor.

8 THE COURT: All right. 74 through 107 are
9 admitted.

10 MS. MARTIN: Thank you, Your Honor.

11 Q. (By Ms. Martin) If we could turn to
12 Exhibit 75, and the corresponding audio would be
13 Government's Exhibit 74.

14 The date on this transcript is November 28,
15 2016. Participant, Ibn Dawla and an AIM.

16 THE COURT: And Ibn Dawla is the Italian.

17 MS. MARTIN: Yes, Your Honor.

18 Q. (By Ms. Martin) Line 7, Ibn Dawla says: "I am
19 on the dialogue, my brother, but the committees have
20 gotten messed up, got messed up when our brother
21 Abu-Hamzah I mean was absent for a while."

22 And he continues in line 11: "Therefore, the
23 brothers decided to renew, er, the committees and,
24 er, we suggested to them I mean to have a few Emirs
25 of committees. Each committee had its own Emir and,

1 er, whoever wanted to talk had to look for this Emir
2 or that Emir, so things got messed up and nobody did
3 his work."

4 Do you remember -- do you remember the
5 committee as part of your investigation?

6 A. Yes.

7 Q. What types of committees did they have on
8 Zello?

9 A. This is the Caliphate chat room. It was
10 divided into three large divisions. That would be
11 the dialogue sector and where there would be
12 information and media information and then the
13 administrative control sector. And then in each of
14 these different sectors or divisions there would be
15 one or more administrators.

16 Q. And when he uses the word "Emir," what is he
17 referring to?

18 A. It's a title of respect. So a sign of respect
19 towards somebody who is worthy of respect. So in
20 this case it could be the administrator.

21 Q. Ibn Dawla continues on line 19: "All is well
22 since the brothers spoke the day before yesterday or
23 three days ago. I mean, we held a meeting and spoke
24 about the matter."

25 THE COURT: What's the date of this?

1 MS. MARTIN: Yes, Your Honor. It's
2 November 28th, 2016.

3 THE COURT: Okay.

4 Q. (By Ms. Martin) Does that indicate to you that
5 more than one person is planning these meetings?

6 A. Yes. Or at least that more than one person
7 participated in that meeting.

8 Q. Would you turn to page 2? This is AIM speaking
9 on line 3: "And I asked our brother Abu-Malik, and
10 he told me our brother Ibn Dawla will be in the
11 dialogue, of course he is the Emir of that
12 committee."

13 Is this the Ibn Dawla who is the subject of
14 your investigation?

15 A. Yes.

16 Q. And then Ibn Dawla responds in line 10: "Do
17 not forget that we need the media a lot; the media
18 more than coordination, because most of the channel
19 sessions should be informative, either speeches by
20 the sheikhs or by the news."

21 And then he continues: "The media brothers
22 will be more...will be the highest because most of
23 us do not speak, so they can post news, photos or
24 links or anything."

25 Were you aware of any of the heads of the media

1 committee?

2 A. In one of the wiretaps, one of the heads of the
3 media, one of the names that was mentioned was
4 Angousha.

5 THE INTERPRETER: A-N-G-O-U-S-H-A.

6 Q. (By Ms. Martin) And if we continue on in line
7 21: "The dialogue committee, the media committee,
8 these are very, very important committees. And also
9 we do not forget the Shari'a brothers. These are
10 three committees, I mean, the channel cannot - would
11 not be able to move forward without them."

12 And then if you will turn to page 3, beginning
13 on line 16: "And Angousha is supposed to be in the
14 dialogue."

15 Is this the Angousha that you were referring to
16 earlier that was also affiliated with the media
17 committee?

18 A. Yes.

19 Q. Now, if we could turn to Government's Exhibit
20 83.

21 And the date on this transcript is
22 February 4th, 2017, and it is Ibn Dawla. It begins
23 on line 6: "Abu-Bakr al-Baghdadi, may God protect
24 him. And I pledge allegiance to hear and obey him
25 in times of difficult and ease."

1 And then he continues on line 14: "He is most
2 deserving of being my Caliph, he earned the merit to
3 be my Imam, and I pledged allegiance to him
4 willingly, no one forced me."

5 Who is Abu-Bakr al-Baghdadi?

6 A. Al-Baghdadi is the self-proclaimed head of the
7 Islamic State, the one that practices terror.

8 Q. In your investigations in terrorism, are
9 pledges of allegiance to him common?

10 A. They are very common among terrorists.

11 Q. If we could see Government's Exhibit 85.
12 Beginning on page 2, line 14. I apologize. The
13 date on this transcript is November 25th, 2016, and
14 the participant is Ibn Dawla.

15 And on line 14: "Listen, listen good brother,
16 listen, it is not a matter of land," and there's
17 talking in the background, "or a matter of death, or
18 a matter of Sunna territory or Shiite territory.
19 You are talking about Syria when we want (laugh) we
20 want Medina, Mecca, and we want Jerusalem, and we
21 want, er, the house -- the White House and Rome, God
22 willing. We don't want just Syria."

23 Do you believe him to be talking about Rome,
24 Italy?

25 A. Certainly.

1 Q. And what is he talking about?

2 A. That during the Syrian conflict, in this
3 particular context, the Islamic State didn't only
4 want to conquer Syria, they wanted to conquer -- and
5 they still want to conquer -- all of the world, the
6 whole world, and especially countries that they
7 label as the unbelievers.

8 Q. What do you think the White House means?

9 A. The White House in Washington, the United
10 States White House.

11 Q. If we could see Government's Exhibit 89,
12 please.

13 And the date on that transcript is
14 February 1st, 2017. And the participant is
15 Ibn Dawla. And on page 2, line 8, he says:
16 "Brothers, pardon me, I am worried about those
17 PalTalks...so the neighbors do not hear me. I swear
18 by God, if they hear me talking like this, the
19 police will be here in no time, I swear by God."

20 Is this the conversation that matches with your
21 surveillance?

22 A. Yes.

23 Q. And if we could see Government's Exhibit 99
24 please?

25 And the date on this transcript is December 14,

1 2016. The participants are AA, Ibn Dawla, and then
2 asir555666 referred to as AS. And in 1, 11, AA
3 says: "I see, er, the excerpts of videos that have
4 been released of the State's publications. Because
5 the issue of electricity here is a little difficult.
6 So how can I see -- follow the links that [UI] the
7 State, the publications of the State?"

8 Ibn Dawla responds in line 25: "Let's hope
9 that our brother, er, our brother Marsod comes and
10 God willing. He will transfer you a link that is,
11 er -- that is, er, the one that is on YouTube
12 directly."

13 Do you often, in your investigation of
14 Ibn Dawla, the Italian subject, see them
15 transferring things by links or by photos?

16 A. Yes. And on a number of occasions he made
17 reference to videos that he had posted on YouTube.

18 Q. And if we will continue on page 2. That's
19 still Ibn Dawla. And beginning at the end of line 2
20 he says: "I hope to send you a link that downloads
21 so you can download it, God willing."

22 And then later on in this conversation,
23 Ibn Dawla says in line 12: "It's not possible, it's
24 not possible, it's not possible. They delete them
25 on YouTube. The brothers post them for five minutes

1 or for two minutes before the video is discovered,
2 and then it gets deleted."

3 Do you know why the videos were being deleted?

4 A. Yes. Because YouTube has internal policies,
5 and when any kind of image represents some kind of
6 crime, they are immediately taken down and canceled
7 from the platform.

8 Q. Were you able to retrieve those videos that
9 they are talking about here?

10 A. No, because they were canceled, they were taken
11 down so quickly -- right afterwards.

12 Q. Thank you. Ibn Dawla continues on line 16:
13 "Do you have Telegram, man? Do you have Telegram?
14 Download the Telegram app or stay with us here on
15 the channel, and I will give you instructions how to
16 receive all the links that -- that -- that come to
17 the channel."

18 Do your terrorism investigations often involve
19 Telegram?

20 A. Yes, because it's an application that is used
21 almost exclusively by terrorists.

22 Q. Why is that?

23 A. Because the owners of Telegram or the
24 administrators have no policies in place to -- to
25 sensor in any way.

1 Q. It continues in line 25: "You have choices.
2 The first choice should be 'yes,' and the second
3 should be 'always.' So whenever any of the media
4 brothers send links, you will get a notification."

5 Do you know what he's trying to show him how to
6 do?

7 A. Yes. He's explaining to him how to get the
8 links as soon as they have been posted.

9 Q. And if you continue on page 3, line 3,
10 Ibn Dawla says: "Now get on, go to the link that is
11 available on YouTube. You don't need to download it
12 or do anything else. Hurry. Hurry before they
13 delete it, hurry brothers."

14 Is this the same link he was talking about
15 earlier?

16 A. Yes. Yes, it's a race against time to be able
17 to download it.

18 Q. And then in the end, he continues at line 10:
19 "Go into the, er, on the link, it sends you to
20 YouTube so you will at least get the video on your
21 screen before it is deleted."

22 He's again trying to help this user of the
23 Zello platform get a video?

24 A. Yes.

25 Q. Is he talking about a video that YouTube is

1 going to delete quickly?

2 A. Yes.

3 Q. And in your experience, what does that tell you
4 the video contains?

5 MR. WHALEN: Objection, calls for
6 speculation.

7 THE COURT: Sustained. Ask him again;
8 maybe a better question.

9 Q. (By Ms. Martin) Would there be any reason to
10 take just a video down from YouTube that didn't have
11 any problematic content?

12 MR. WHALEN: Objection, calls for
13 speculation, Your Honor.

14 THE COURT: Overruled.

15 A. No.

16 Q. (By Ms. Martin) If we could see Government's
17 Exhibit 101 -- yes, 101, please.

18 The date on this transcript is November 29th,
19 2016. And the speaker is Ibn Dawla. And in line 18
20 Ibn Dawla says: "Brothers! do you have Rawafid
21 around you? If so, go get them. Do you have Jews
22 around you? If so, go get them. Do you need money
23 to travel? Take this money and make a bomb to
24 pulverize the Jews, pulverize the Nusayris, and
25 pulverize the Rawafid and the Secular, and the

1 worshipers of democracy. Strike them."

2 Do you recall this conversation from your
3 investigation?

4 A. Yes.

5 Q. And in your experience, 15 years of
6 investigating these types of crimes, what did you
7 believe he was doing here?

8 MR. WHALEN: Objection, calls for
9 speculation.

10 THE COURT: Overruled.

11 A. First of all, to kill all Jews, all of the
12 members of Jabata el Lucera (phonetic), all of the
13 apostates or unbelievers, all of the Shiites.

14 Q. If we could look at page 2, beginning on line
15 6: "Brothers, if they close the doors of
16 immigration on you, then open the doors of jihad on
17 them and may God reward you well."

18 And then he continues on line 14: "Belgium,
19 France and America, with all their intelligence and
20 whatnot, were unable to do anything. The Jihadist
21 were able to strike them in their own houses and
22 they were unaware of it. And they did not even hear
23 the strike. Imagine all this international
24 intelligence are the last ones to hear about the
25 news from the television. I mean, the television

1 was faster than them. May God reward. Don't let
2 them fool you or bully you. May God reward you
3 well. Their strong men are gay, their men are gay,
4 they fight for false leaders while you fight for
5 God."

6 When he's talking about the intelligence, who
7 was he talking about?

8 A. Undoubtedly he's referring to the intelligence
9 services or agencies.

10 Q. And would you consider yourself to be a member
11 of one of those?

12 A. Yes, also.

13 Q. And if we look on page 3, line 1: "Whoever
14 finds immigration door closed --"

15 THE COURT: Again, who are we talking
16 about?

17 MS. MARTIN: I'm sorry, Your Honor. This
18 is Ibn Dawla continuing on page 3, line 1.

19 THE COURT: Okay.

20 Q. (By Ms. Martin) "Whoever finds immigration
21 door closed, all one has to do is take the money
22 that God gave him and purchase tools and supplies,
23 buy a knife, go out at night to slaughter them. Oh
24 people, slaughter them. Burn them, displace them,
25 and ruin their lives. Support your brothers. May

1 God reward you well."

2 When he's talking about the doors of
3 immigration being closed, what is he referring to?

4 A. He's talking about going to fight with the
5 Islamic State. He's copied an old speech of
6 al-Baghdadi.

7 Q. And then he continues: "For the one who is
8 able to perform immigration, the Islamic State is
9 awaiting him. And the one who is unable to --"

10 THE INTERPRETER: What line?

11 MS. MARTIN: I'm sorry, continuing line 9.

12 Q. (By Ms. Martin) "And the one who is unable to,
13 and lives in a place where he can strike, a country
14 from those Crusader-Arab-Jew coalition countries,
15 then you are to get them. Brothers, may God reward
16 you well. Go get them."

17 What is a Crusader-Arab-Jew coalition country?

18 A. Well, Christians and Jews. And then they also,
19 when they say "Arab," they are referring to Saudi
20 Arabia, because Saudi Arabia is also fighting
21 terrorism.

22 Q. Is Italy a Crusader country?

23 A. Yes, the Crusaders -- I mean St. Peters. You
24 have to think of the crusades in St. Peters --
25 St. Peter.

1 Q. Now, if we could go to Government's Exhibit
2 105, please.

3 And the date of this audio is February 8th,
4 2017. The participants are aboabdalla143,
5 referenced as A3, Ibn Dawla and Abo Aomar, which is
6 AA.

7 Beginning on line 12, A3 says: "I mean, I'm a
8 brother with the State. I used to be with the Free
9 Army."

10 And he goes on in line 15, "I've been in the
11 channel for a long time."

12 And then he continues in line 24: "There's a
13 way, but I can't talk to you on the channel, you
14 have to contact me on the private."

15 Is the channel private?

16 A. No. The channel, itself, was public, it was
17 open to anyone.

18 Q. So if you wanted to speak about something else,
19 you had to make a private call?

20 A. Yes. In this case he wanted to be called
21 privately because he didn't want to let all of the
22 members know about it.

23 Q. And then if we could have Government's Exhibit
24 91.

25 The date on this transcript is December 5th,

1 2016. And the participants are Ibn Dawla, and a
2 user that is @asasas a/k/a Marsad.

3 Beginning on line 8, AS says: "Our brother,
4 Ibn al Dawlah, and the supervisory brothers, er, I
5 mean, er, there's a program that came to my mind.
6 It is I mean a program called 'Preparation of a Lone
7 Wolf,' or with a different title, 'Preparation of a
8 Mujahid' to carry operations, er, in the lands -- in
9 the lands of the unbelief."

10 It continues in line 15: "I mean, this
11 operation requires four, almost four, four people,
12 all right, er, meaning it is material, audio
13 materials or audio materials and images, meaning
14 stuff within the program, all right, are to be taken
15 from either through Telegram or programs on the
16 internet. We will take it for these programs and
17 play it."

18 It continues, line 22: "I mean, all of us
19 since most of us are present in the lands of the
20 unbelief."

21 What does "lone wolf" mean to you?

22 A. Mostly a lone wolf is someone who is
23 self-radicalized by himself on the internet.

24 Q. And they're talking about a program entitled
25 "Preparation of a Lone Wolf."

1 A. Yes.

2 Q. What does "a Mujahid" mean to you?

3 A. He's the fighter, a fighter.

4 Q. What are the lands of the unbelief?

5 A. All those who are not Muslim or Sunnis.

6 Q. And AS continues in line 26: "This, this, this
7 program is going to be how I, er, would be able to
8 make a bomb, and you, praise be to God, brother,
9 Ibn Dawla, from what I know, have experience in this
10 area."

11 Did your investigation reveal that Ibn Dawla
12 discussed bombs a great deal?

13 A. Within the channel, on the channel, he was --
14 by everybody there, he was considered to be an
15 expert in bomb-making.

16 Q. And if you -- we can continue on page 2, the
17 same speaker, AS, the end of line 1: "A second
18 brother would collect audio materials, and a third
19 brother collects the photographed material."

20 THE COURT: Is this the Italian?

21 MS. MARTIN: Your Honor, this is someone
22 speaking to --

23 THE COURT: Okay. Okay.

24 Q. (By Ms. Martin) "And we will have a Shari'a
25 expert to control matters. What do you think about

1 this brothers? The program is for an hour, meaning
2 to, er...it is for one hour. It starts at 11:00
3 every day, for one hour, this inciting program.
4 What do you think, brothers?"

5 Is he discussing making this manual or this
6 program on how to be a lone wolf, something that
7 happens over and over?

8 A. Yes. He's discussing how to set up this
9 program to be a lone wolf and also how to set it up
10 so that other people can participate in it.

11 Q. Page 2, line 20, this is Ibn Dawla, the Italian
12 subject talking. He says: "You can count on me,
13 God willing in this matter."

14 Then it continues on line 25: "But the first
15 time I come on, er, God willing, you can count on me
16 to explain to the brothers, er, in a boring simple
17 explanation, I mean not with complicated words or
18 otherwise."

19 And Ibn Dawla continues on page 3, line 1:
20 "Meaning simple words and things that can be easily
21 found."

22 As part of your investigation, were you able to
23 intercept other things that came across that DSL
24 line?

25 A. Yes. He also prepared videos where you could

1 build bombs in your own home.

2 Q. So that's the type of thing that Ibn Dawla was
3 researching?

4 A. Yes, he -- he created it. He had it in mind.
5 This is what he wanted to do.

6 THE COURT: Again, Ibn Dawla is the
7 Italian.

8 MS. MARTIN: Yes, Your Honor.

9 Q. (By Ms. Martin) He had the bomb-making in
10 mind?

11 A. It's very clear when you listen to the
12 wiretaps, he wanted to give support to others to do
13 this as well. And he wanted to coordinate the
14 programs on how to build them. And that had to be
15 done and stated in a very clear way. And it had to
16 be clearly understood by people who are not
17 specialists.

18 Q. Okay. And then Ibn Dawla, on page 3, in fact,
19 continues, line 17: "So that I mean when I'm
20 talking, the brother will send photos so the lesson
21 would be clear."

22 Is that what you were referring to, he wants it
23 to be an easy lesson?

24 A. Certainly.

25 Q. And then, we'll continue on page 4. This is

1 AS, another channel user speaking.

2 THE INTERPRETER: What line?

3 MS. MARTIN: Line 1.

4 Q. (By Ms. Martin) He says: "I got excited about
5 this thing, er, after the speech that was issued
6 today, the speech from the official spokesperson."

7 And then he continues in line 5: "The brother
8 who is present in the lands of unbelief, I mean, er,
9 how to act, I mean, er, might not know how to act.
10 All right. We are trying to make a practical
11 program."

12 He continues in line 11: "Around me enemies of
13 the, er, Caliphate, but I do not know how to act
14 with them, how to act and torture them. I don't
15 know about this matter, but I -- we will try to make
16 a practical program."

17 Is this one of the users still speaking to
18 Ibn Dawla about this program?

19 A. Yes.

20 Q. And then that same user, AS, continues on line
21 18, page 4: "We will also publicize it on the
22 channel, too, so that they will try, with the
23 available brothers, that it is in the scale of the
24 good deeds of everyone."

25 And what channel is he talking about there?

1 A. He could be either talking about the Islamic
2 State channel or he could be talking about a channel
3 on Telegram.

4 Q. And then if we will go to page 5, and this is
5 Ibn Dawla talking, line 5: "We will start getting
6 them ready, even as of today, in about a half hour
7 or, er, 20 minutes or 15 minutes, we will start
8 getting the brothers ready from now. We will
9 present the matter when they gather. We will leave
10 them a word that from -- from such and such a day,
11 we will start, er, to present sessions in, er,
12 'Prepare.' I mean, we will give it -- we give it a
13 beautiful name, 'Prepare' or 'Destroy them in their
14 own homes,' or something like that, for example, and
15 we make it a series and we work it. I mean,
16 these -- these things you need to work on first on
17 igniting one's enthusiasm."

18 Is he saying that a beautiful name would be
19 "Destroy them in their own homes"?

20 A. Yes.

21 Q. And do you know who he means when he says,
22 "Them"?

23 A. Yes. He's referring to anybody that he
24 considers to be the infidel.

25 Q. And then Ibn Dawla continues in line 24: "I

1 mean, the results are; how you would feel when you
2 achieve a result and how to feel, and the points of
3 strength and such, and things, praise be to God. He
4 would understand that it is difficult to find him
5 this way because it is not like a pistol or a knife,
6 because you are in a place, you are present at the
7 scene of the incident, but this way you are far from
8 the place. I mean you are not present there, so
9 praise be to God."

10 What is he distinguishing from the gun and the
11 knife?

12 THE INTERPRETER: Between the gun and the
13 knife?

14 MS. MARTIN: No, from the gun and the
15 knife.

16 A. Well, an attempt with a bomb would produce much
17 more damage and would kill a lot more people. And
18 as they are stating here, if you place a bomb in,
19 let's say, a place, anywhere, and then they leave,
20 that person leaves that place, it's very likely that
21 the person attempting that act of violence or
22 performing it would never be found.

23 Q. Now, all of Government's Exhibit 91 that we
24 went over, that was audio from the Zello channel; is
25 that correct?

1 A. Yes.

2 Q. And that was the State of the Islamic Caliphate
3 channel?

4 A. Yes.

5 Q. Now, did your investigation of Ibn Dawla also
6 run into the FBI's investigation of Said Rahim?

7 A. Yes.

8 Q. And what did you know him -- or what was his
9 moniker on the State of the Islamic Caliphate
10 channel?

11 A. Angousha.

12 Q. Did you consider Ibn Dawla a threat to your
13 country?

14 A. Yes, a threat; and he was also very dangerous.

15 Q. Where is he from originally?

16 A. From Morocco.

17 Q. And ultimately will he be forced to leave
18 Italy?

19 A. Undoubtedly.

20 MS. MARTIN: Your Honor, may I have a
21 moment?

22 THE COURT: Yes.

23 MS. MARTIN: Your Honor, I will pass the
24 witness.

25 THE COURT: Cross-examination, Mr. Whalen.

CROSS-EXAMINATION

BY MR. WHALEN:

Q. Sir, just so I'm clear, you started your investigation in February of 2016; is that correct?

A. Yes.

Q. Okay. And that was based on a tip or a message from the FBI in the United States, correct?

A. Yes.

Q. Okay. And when did you get the wiretap for the phone and the internet line?

THE INTERPRETER: I'm sorry, when did you get the wire type and line?

Q. (By Mr. Whalen) Yes. What date did you get the wiretap for the phone and the internet line?

A. I believe it was in September of 2016. I might have to check my notes, but that's approximate.

Q. Okay. Do you have your notes with you?

A. Yes.

Q. If you want to take a moment and check your notes, that would be fine.

A. Certainly.

(Pause in the proceedings.)

A. September 2016.

Q. When you originally got the tip from the FBI, did they indicate to you how long their

1 investigation has been ongoing?

2 A. No, they were just ongoing.

3 Q. Okay. And so from September of 2016 until you
4 were able to obtain this wiretap, what did your
5 investigation consist of?

6 THE INTERPRETER: I didn't hear the last
7 part.

8 Q. (By Mr. Whalen) From February of 2016 until
9 the time you got the wiretap order, what did you do
10 as far as an investigation of Mr. Ibn Dawla or who
11 you knew to be Mr. Ibn Dawla?

12 A. We -- we looked in all of his email
13 connections.

14 Q. Okay.

15 A. We looked up all of his IP addresses linked to
16 his profile on FaceBook. And we also checked that
17 he lived actually on the Corso Vercello --
18 C-O-R-S-O, V-E-R-C-E-L-L-O -- and then which
19 apartment number. And then his connections, what
20 connections he had with the lady of the apartment
21 and her son.

22 Q. Okay. And when you got the wiretap in
23 September of 2016, when did the wiretap end?

24 A. The 24th of April of 2017, when he was
25 arrested.

1 Q. Okay. Between September of 2016 and April of
2 2017, how many hours of Zello chats did you listen
3 to or collect as a result of that wiretap?

4 A. It's -- I can't give you an exact estimate, but
5 all of the hours that he was on Zello.

6 Q. Okay. Are we talking five hours, a hundred
7 hours, 200 hours, how many hours?

8 A. Well, what I can tell you is -- what I can tell
9 you is this: He was on Zello usually about 7 to 8
10 hours a day. So if you add that up, that might give
11 you some approximate number.

12 Q. So if we did 7 to 8 hours a day, approximately
13 30 days in a month, with 8 months, give or take, I
14 come up with about 1600 hours' worth of audio.

15 A. That's probable; that's likely.

16 Q. Okay. You made a comment concerning lone wolf
17 is a person who is self-radicalized. Do you
18 remember making that statement?

19 A. Yes.

20 Q. And a person who is self-radicalized would be a
21 person who is acting on their own, correct?

22 A. Yes, but on behalf of the Islamic State.

23 Q. But they are not being directed or controlled
24 by the Islamic State, correct?

25 A. No, but they espouse the beliefs of the Islamic

1 State.

2 Q. I understand that, but nobody is controlling
3 their beliefs of the Islamic State and telling them
4 what to do?

5 A. No, but they predicated and they were working
6 to establish these lone wolves.

7 Q. You mentioned earlier in one of the transcripts
8 that they basically copied the speech of Baghdadi?

9 A. Yes.

10 Q. So basically they were just mimicking what he
11 had already said, correct?

12 A. Well, they espoused his theories, his thesis;
13 they were followers of his, so yes.

14 Q. But they didn't state anything new or original,
15 correct?

16 A. Well, yes and no, because they would also give
17 their own interpretation of it.

18 Q. Now, when you arrested Mr. el Aoual, you did
19 not find any bomb-making materials, correct?

20 A. No.

21 MR. WHALEN: I'll pass the witness.

22 THE COURT: Anything else?

23 MS. MARTIN: No.

24 THE COURT: Please no.

25 MS. MARTIN: No more questions, Your

1 Honor.

2 THE COURT: Can we let the witness go
3 home?

4 MS. MARTIN: Yes, Your Honor.

5 MR. WHALEN: Yes, Your Honor.

6 THE COURT: All right. You are free to
7 go. You can go back to Italy. I thank you for
8 being here. Please remember not to talk about the
9 case.

10 THE WITNESS: Yes.

11 THE COURT: You are excused.

12 THE WITNESS: Thank you for your
13 hospitality.

14 THE COURT: Go ahead and step down.

15 We're making good progress. I can't tell
16 you that it's going to be done any sooner than I
17 told you, but it's not going to be done any longer
18 than I thought.

19 You know, there was an article in the
20 paper last night about the case, and I think there
21 will be again tomorrow. Just don't read those.
22 It's best if you don't read the paper at all. But
23 if you like the paper, just ignore, pretend like you
24 don't see any articles about this case. You know,
25 you're not supposed to get information about the

1 case from anyone. I don't think this is a high
2 publicity case, but I guess there will be some
3 people following it.

4 So just remember, keep your eyes narrowed
5 until the case is over. Just anything you --
6 anything that comes to you, anything that you hear,
7 just -- you know, you just need to stay away from
8 anything about this case. Okay, Ladies and
9 Gentlemen? I hate to be so nervous about this, but
10 I am only because we want to get through this case
11 and we don't want anything to happen. So if that's
12 all right, we will see you tomorrow morning. Please
13 be here by 8:45, and we will start at 9:00 sharp.
14 All rise.

15 I remind everybody in the courtroom to
16 stay away from the jury.

17 (Jury exits courtroom.)

18 THE COURT: Ms. Martin, I have a group of
19 exhibits, 7 through 29. Did you not offer those?

20 MS. MARTIN: Your Honor, I believe they
21 were offered yesterday by Ms. Meeks with the Zello
22 witness.

23 THE COURT: Okay. Are they in?

24 MS. MARTIN: I believe it was 7 through
25 30; and yes, they were admitted.

1 MR. WHALEN: That is correct, Your Honor.

2 THE COURT: I just, for some reason,
3 didn't have those admitted, and I wanted to make
4 sure. Okay.

5 Anything else before we adjourn?

6 MS. MARTIN: No, Your Honor.

7 THE COURT: How are your witnesses going?

8 MS. MARTIN: Moving quicker than we
9 thought.

10 THE COURT: Good. Good. Okay. Be sure
11 you have witnesses here, and be sure to give him
12 your lineup for tomorrow. Okay?

13 MS. MARTIN: Yes, sir.

14 THE COURT: Anything else?

15 MR. WHALEN: 8:30.

16 THE COURT: Be here by 8:30. And
17 Mr. Rahim be here by 8:30, too. All right. See you
18 later.

19 (Court in recess at 4:59 p.m.)
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C E R T I F I C A T E

I, Shawnie Archuleta, CCR/CRR, certify
that the foregoing is a transcript from the record
of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees
format comply with those prescribed by the Court and
the Judicial Conference of the United States.

This 21st day of March 2020.

s/Shawnie Archuleta
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Official Court Reporter
The Northern District of Texas
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My CSR license expires: December 31, 2020

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